Also, petition of B. A. Burdick, against the conduct of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. LACEY: Petition of citizens of New Sharon, Iowa, and paper to accompany bill for relief of Jacob Helminger—to the Committee on Invalid Pensions.

By Mr. LAMB: Petition of Liberty Council, No. 13; May Council, No. 31, and Fairmount Council, No. 70, Daughters of Liberty, for the Penrose bill (S. 4357) for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. LAWRENCE: Petition of Sheffield Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of 77 citizens of Northfield, Mass., against atrocities in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of the Woman's Sixteenth Street Improvement Association, for Meridian Hill, in the District of Columbia, as a public reservation—to the Committee on Public Buildings and Grounds.

Also, petition of James D. Leary, of Brooklyn, N. Y., for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTAUER: Paper to accompany bill for relief of Peter Van Antwerp—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Petition of Local Union No. 407, American Federation of Musicians, for bill H. R. 8748, for relief of civilian musicians—to the Committee on Naval Affairs.

Also, petition of Lizzie S. Kneeland, president of the Parlor Congress Club, of Auburn, Me., and Mrs. A. L. Talbot, president of the Sorosis Club, of Lewiston, Me., of the General Federation of Women's Clubs, for an appropriation to investigate the industrial condition of women in the United States—to the Committee on Appropriations.

Also, petition of citizens of Maine, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of citizens of Illinois, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. McNARY: Petition of H. S. Hovey, for the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. MAYNARD: Petition of citizens of Norfolk, Va., and Ideal Council, No. 71, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MICHALEK: Petition of the International Association of Master House Painters and Decorators, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Simon E. Chamberlin—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: Petition of citizens of Florence, Ala., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. SCOTT: Petition of A. F. Hill et al., of Bronson, Kans., against consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Paper to accompany bill for relief of Nettie A. Hill—to the Committee on Invalid Pensions.

By Mr. SIMS: Paper to accompany bill for relief of John Dillahunty—to the Committee on War Claims.

By Mr. SULZER: Petition of Mrs. Henry Parker, for a national military park of the battle ground around Petersburg, Va.—to the Committee on Military Affairs.

By Mr. WEBB: Petition of citizens of Gaston County, N. C., in favor of the Hepburn-Dolliver temperance bill (H. R. 3159)—to the Committee on the Judiciary.

SENATE.

FRIDAY, *April 6, 1906.*

Prayer by Right Rev. JAMES S. JOHNSTON, D. D., bishop of the diocese of western Texas.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the African Methodist Episcopal Church of Marietta, Ga., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Trustees of the Alfred Street Baptist Church, of Alexandria, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 13151) granting a pension to Christopher C. Harlan.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8891) granting an increase of pension to Josephine Rogers.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 3899. An act granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy and regulating the procedure and punishment in trials for hazing at the said academy;

S. 4111. An act to authorize the Chief of Ordnance, United States Army, to receive four 3.6-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Connecticut;

S. 4300. An act to amend section 4414 of the Revised Statutes of the United States, inspectors of hulls and boilers of steam vessels;

S. 5181. An act to authorize the construction of a bridge across the Snake River between Whitman and Columbia counties, in the State of Washington;

S. 5182. An act to authorize the construction of a bridge across the Columbia River between Franklin and Benton counties, in the State of Washington;

S. 5183. An act to authorize the construction of a bridge across the Columbia River between Douglas and Kittitas counties, in the State of Washington; and

H. R. 11026. An act to authorize the counties of Holmes and Washington to construct a bridge across Yazoo River, Mississippi.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Woman's Missionary Society of the First Methodist Church of Evanston, Ill., praying for the enactment of legislation to prohibit the liquor traffic in all of the Indian country of Alaska; which was referred to the Committee on Territories.

He also presented the petition of A. Purdee, in behalf of the ex-Union soldiers, of Marianna, Fla., praying for the enactment of legislation to amend section 4707 of the general pension laws of the United States; which was referred to the Committee on Pensions.

Mr. LODGE. I present resolutions of the Chamber of Commerce of the State of New York, in favor of the passage of the Philippine tariff bill. The resolutions are brief, and I ask that they be printed in the RECORD and referred to the Committee on Commerce.

Mr. PLATT. I will say to the Senator that I was just about to offer similar resolutions.

There being no objection, the resolutions were referred to the Committee on the Philippines, and ordered to be printed in the RECORD, as follows:

[Chamber of Commerce of the State of New York. Founded A. D. 1768.]

At the monthly meeting of the chamber of commerce, held April 5, 1906, the following preamble and resolutions, reported by its committee on foreign commerce and the revenue laws, were adopted:

Whereas the Committee on the Philippines of the Senate has, by a vote of eight to five, declined to report, even for consideration, the Philippine tariff bill; and

Whereas this bill, apart from its economic aspect, seems to this chamber to involve a principle that is vital to a colonial policy that is to be either wise or just, namely, the principle that a colony is to be administered in its own interest and not in the interest of the governing country; and

Whereas even in its economic aspect the effect of this bill upon the United States can be but slight, while its effect upon the Philippines may be advantageous in the highest degree: Therefore, be it

Resolved, That the Chamber of Commerce of the State of New York hereby urges upon the Committee on the Philippines of the Senate and upon the Senate prompt and favorable consideration of this important measure: And be it further

Resolved, That copies of these preambles and resolutions be transmitted to the appropriate authorities at Washington, and to kindred commercial bodies, with the request to the latter that they take similar action at an early day.

A true copy.

[SEAL.]

MORRIS K. JESSUP, *President.*
GEO. WILSON, *Secretary.*

NEW YORK, *April 5, 1906.*

Mr. DRYDEN presented petitions of sundry citizens of West Orange, Roselle, Paterson, Liberty Corner, East Orange, Newark, Peapack, New Brunswick, South River, Long Branch, Hopewell, Woodstown, Gladstone, Rockaway, Summit, Hoboken, Port Morris, Freehold, Barnegat, Jersey City, Elizabeth, and Perth Amboy, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. PLATT presented a petition of the New York Historical Society, of New York City, N. Y., praying that an appropriation be made for the preservation of the frigate *Constitution;* which was referred to the Committee on Naval Affairs.

He also presented a petition of Ulster Council, No. 27, Daughters of Liberty, of Bloomington, N. Y., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. PENROSE presented a petition of Oakland Circle, No. 61, Protected Home Circle, of Pittsburg, Pa., and a petition of Washington Camp, No. 508, Patriotic Order Sons of America, of Allenwood, Pa., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. HEMENWAY presented a memorial of Post M, Travelers' Protective Association, of Crawfordsville, Ind., and a memorial of sundry citizens of Mount Vernon, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 125 citizens of Muncie, Ind., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a petition of 45 citizens of Decatur, Ind., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation relating to bills of lading issued by carriers for the interstate transportation of property; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 366, American Federation of Musicians, of Vincennes, Ind., praying for the enactment of legislation to prohibit the employment of Government musicians in competition with civilian musicians; which was referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Club of Anderson, of the Woman's Club of Westfield, and of the Tuesday Club of Kendallville, all in the State of Indiana, praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

Mr. PILES presented the petition of J. H. Kirkpatrick and sundry other citizens of Custer, Wash., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

Mr. SCOTT presented a petition of Lincoln Council, No. 47, Junior Order of United American Mechanics, of Charleston, W. Va., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. ALLISON presented a memorial of the Merchants' Association of Cedar Rapids, Iowa, remonstrating against the proposed consolidation of third and fourth class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of Aroostook Lodge, No. 393, Brotherhood of Railroad Trainmen, of Houlton, Me., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. BURKETT presented sundry papers in support of a bill to grant an increase of pension to John M. Bair; which were referred to the Committee on Pensions.

Mr. OVERMAN presented sundry affidavits to accompany the bill (S. 374) for the relief of T. L. Love; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. HEMENWAY, from the Committee on Military Affairs, to whom was referred the bill (S. 5484) authorizing the Secretary of War to accept the tract of land at or near Greeneville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establish the same as a fourth-class national cemetery, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1442) to increase the efficiency of the militia and promote rifle practice, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (H. R. 395) concerning foreign-built dredges, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 5554) granting a pension to Louisa W. Benade; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 5555) granting a pension to Nelly Peck Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5556) to correct the military record of James E. C. Covel; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SPOONER introduced a bill (S. 5557) granting a pension to Henry C. Sloan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WETMORE introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5558) granting an increase of pension to George Paine; and

A bill (S. 5559) granting an increase of pension to Ann H. Crofton.

Mr. WETMORE introduced a bill (S. 5560) for the relief of Matthew J. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BURNHAM introduced a bill (S. 5561) to amend an act entitled "An act to amend an act entitled 'An act to incorporate the Masonic Mutual Relief Association of the District of Columbia,'" approved February 5, 1901; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. HEMENWAY introduced a bill (S. 5562) granting an increase of pension to John Hull; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5563) to provide compensation for injuries received by George E. O'Hair, of Indianapolis, Ind., at Ford's Theater disaster, which occurred June 9, 1893; which was read twice by its title, and referred to the Committee on Claims.

Mr. FULTON introduced a bill (S. 5564) granting an increase of pension to Charles B. Tyler; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5565) to close certain alleys in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HOPKINS introduced a bill (S. 5566) providing for pensions to the children of deceased soldiers and sailors of the United States in cases where said children have become insane, idiotic, blind, deaf and dumb, or otherwise physically or mentally helpless before the age of 22 years; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 5567) for the relief of the heirs of L. A. Ashley, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5568) for the relief of the trustees of Pisgah Presbyterian Church, of Somerset, Ky.; which was read twice by its title, and referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 5569) for the relief of Catherine Norris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 5570) for the relief of Nancy West; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 5571) granting an increase of pension to Betsey B. Whitmore; which was read twice by its title, and referred to the Committee on Pensions.

SURVEY IN PENOBSCOT BAY, MAINE.

Mr. HALE submitted the following concurrent resolution; which was referred to the Committee on Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Long Cove, the approach thereto, Cape Jellison Harbor and the waters leading thereto, between Cape Jellison and Sears Island, Penobscot Bay, Maine.

GRAZING ON PUBLIC LANDS.

On motion of Mr. BURKETT, it was

Ordered, That there be printed for the use of the Senate 1,000 copies of Senate bill 5511, providing for the control of grazing upon the public lands in the arid States and Territories of the United States.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask that the unfinished business be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. ELKINS. Mr. President, I desire to approach the consideration and discussion of this most important subject in a spirit of fairness and impartiality, with a sincere purpose to do justice to all interests concerned, and above all to secure to the people a prompt and adequate remedy for the evils, injustices, abuses, and wrongs of every kind practiced by railroads, or in any way growing out of their operation.

I stand first for the interests of the people of my own State, which I am proud to represent in part on this floor, and after that for the interests of all the people of the United States. I have no interest that can affect my judgment or prevent me doing my duty as a Senator as I see it. My desire and highest purpose is to secure and serve the public interest.

Because of my supposed interest in railroads, it is charged and believed that I favor the railroad side of this question. This has been so often repeated that I am sure it will be pardonable if I say, in justice to myself, that my interest on the side of the shipper is ten times greater than on the side of the railroads, and that my interest in railroads is confined to those in my own State.

There is a pressing demand by the people for rate legislation that the highways of commerce be kept open on equal terms and alike to all, and that all wrongs and abuses on the part of railroads should stop.

The bill now under consideration, known as the Hepburn bill, reached the Senate in the form that it was reported to the House by the House Committee on Interstate and Foreign Commerce. No amendments were allowed in the House and none were allowed in the Senate Committee on Interstate Commerce, although there were many submitted to the committee by its members.

The duty now devolves upon the Senate to say whether there shall be amendments to the bill, and to what extent. It is the opinion of many Senators who have given the subject careful consideration that the bill should be amended and in a way that will remove doubts as to its constitutionality and make its provisions clearer and stronger in the direction of affording remedies for existing abuses. I favor heartily the objects and purposes of the bill and I will vote for it, but I want to make it better and stronger.

My chief objection to the bill is that it does not go far enough. It makes no attempt to provide remedies for many existing abuses by railroads. If the bill becomes a law without amendment it will disappoint the people, and they will justly cry out against Congress for not doing its duty, especially against those now most vehement in their denunciation of railroads and their unjust practices, and still refuse to put anything in the bill to correct them.

I believe in rate regulation of interstate commerce by Congress in the interest of the people. I believe Congress has the power to fix rates of interstate carriers, and can authorize, under proper restrictions, a subordinate tribunal to carry out its will in this regard.

I believe in the right of review by the courts of any order of the Interstate Commerce Commission affecting the rights and interests of carriers, shippers, and localities alike, and in the right to suspend the order of the Commission by the court upon a proper showing; but this suspension to be allowed only upon the condition that the rights and interests of the shipper shall be absolutely safeguarded by requiring a deposit of money in the court pending the suspension, to be paid to the shipper in case the court sustains the order of the Commission reducing the rate. Railway corporations are mere creatures of the law and exist by the will and consent of the people and in the interest of the people; I believe interstate carriers should be prohibited from transacting any other business than carrying freight and passengers and from doing any business in competition with shippers; that they should make a fair distribution of cars, put in upon reasonable terms necessary switches and sidings to accommodate the needs of shippers, and promptly make connections and fair and just prorating arrangements with branch and lateral lines. The time has come when the people demand that railroads shall be law-abiding.

I am in hearty accord with the President in his position on the subject of rate regulation and his desire to secure to the people correction of all abuses by railroads.

And in his message to the present Congress he says:

> Above all else, we must strive to keep the highways of commerce open to all on equal terms.
>
> * * * * * * *
>
> In my judgment the most important legislative act now needed as regards the regulation of corporations is the act to confer on the Interstate Commerce Commission the power to revise rates and regulations, the revised rate to at once go into effect, and to stay in effect unless and until the court of review reverses it.

And in his message to the present Congress he says:

> In my judgment the most important provision which such law should contain is that conferring upon some competent administrative body the power to decide, upon the case being brought before it, whether a given rate prescribed by a railroad is reasonable and just, and if it is found to be unreasonable and unjust then, after full investigation of the complaint, to prescribe the limit of rate beyond which it shall not be lawful to go—the maximum reasonable rate, as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts.

No words could be more forceful, clearer, or more direct than those used by the Chief Executive just quoted.

SUBSTITUTE BILL.

After giving the subject my best thought, I prepared a bill embodying, as I think, the demands of the people and the ideas of the President on the subject of rate legislation, and have offered this bill (S. 4382), with some changes, as a substitute for the bill now under consideration.

The first four sections of this substitute deal with the rate question.

Briefly, the substitute provides that whenever any rate, fare, charge, or regulation established by any common carrier shall be unjust or unreasonable, or otherwise contrary to law, the Commission, after hearing, shall have power to make an order directing the carrier to modify the same in the manner and extent to be specified therein; and if the modification requires the change of any rate, fare, or charge, the order shall specify the maximum rate to be put in force by the carrier in lieu of that found by the Commission to be unjust, unreasonable, and otherwise contrary to law. It is provided further that—

> The Commission shall not have power to modify any rate, fare, or regulation established by a carrier or carriers to a greater extent than shall be necessary in order to remove the injustice, unreasonableness, or other unlawfulness thereof.

Then follows the clause prescribing a review of the orders of the Commission by the courts, and in case the court suspends such orders during the pendency of the suit to set them aside it shall do so only upon the condition that the carrier deposit in court such sum of money as may be necessary to protect the shipper and to be paid to him in case the order of the Commission changing the rate is sustained.

The remedy afforded in the first three sections of this substitute embodies clearly, definitely, and logically the ideas of the President and the demands of the people, as I understand them, and in a way that escapes all constitutional objections. It provides, in a constitutional way, for a review by the courts on behalf of any shipper, carrier, or locality affected, of the orders of the Commission and for a suspension of the same pending the suit for review.

The alternate remedy provided in the fourth section, which the Commission can pursue or not in its discretion, has the merit of expedition, does away with the delay incident to a long hearing before the Commission, taking sometimes more than a year. This time is saved to the shipper. Under this section the Commission at the cost of the United States can go immediately to the courts on complaint or on its own motion and institute a suit to enjoin any excessive or unlawful rate or unjust practice on the part of the carrier, the case can be advanced. If the court decides the rate is excessive and enjoins the carrier from charging the same it then orders the carrier within a short time to make a substitute rate, the same to be approved by the Commission, and if the carrier refuses or fails to make such substitute rate, then the Commission is authorized to make the rate, unless upon review by the courts the order should be set aside or modified.

The carrier, with all the facts before him and the decision of the court to instruct him, would hardly fail to make a proper rate and one that would be approved by the Commission. If he should fail to do so, then the Commission makes the rate.

No constitutional question can be raised under this substitute; there are no doubtful provisions that make it difficult to understand and construe. It provides remedies for existing abuses and evils that should be corrected and about which there are just complaints.

It will be observed that the Commission is not authorized under the substitute to fix the rate for the future because this power belongs to Congress and can not be delegated; but it is authorized to modify the rate made by the carrier to the extent and so far as may be necessary to remove the injustice, unreasonableness, or unlawfulness thereof and no further. Whether the Commission does this or not becomes a judicial question.

OMISSIONS OF PROVISIONS IN THE HEPBURN BILL TO CORRECT ABUSES.

I desire now to bring to the attention of the Senate what I consider omissions of necessary provisions in the Hepburn bill, and discuss the same from a practical and legal standpoint.

The main purpose of the Hepburn bill, among other things, is to provide a more efficient remedy against excessive rates in which all agree. I regret to say, however, that there are evils, injustices, and abuses by railroads for which the bill does not even attempt to provide a remedy. It makes no provision:

First. To prevent interstate carriers producing, mining, and selling coal, iron ore, and other products which they transport in competition with shippers, thereby oppressing and driving out of business the independent operator and absorbing his business.

Second. To oblige interstate carriers, on application of shippers of interstate commerce, to put in when needed, upon reasonable terms, switches to enable such shippers to get their products to market. There are instances where shippers have spent hundreds of thousands of dollars in equipping mines and mills to do business, and railroads have denied them switches and connections.

Third. To compel interstate roads to make prompt and suitable connections with connecting branch and lateral lines, as well as just, fair, and reasonable prorating arrangements with the same and allowances for originating freight.

Fourth. To require interstate carriers to make a fair and just distribution of cars among shippers on their lines.

These four omissions and, I may say, abuses on the part of the railroad have aroused public sentiment almost to an alarming degree in West Virginia, and the chief objection of her people to the bill is that no remedy whatever is prescribed in the bill to correct all or any one of these abuses.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. ELKINS. Certainly.

Mr. TILLMAN. It is three or four years, I think, since the Senator brought in a bill from the Interstate Commerce Committee, of which he is chairman, which was declared at the time and supposed to be for the purpose of remedying all evils attending the railroad situation. Did the Senator know then that these abuses of which he speaks and which are now so glaring were in existence? If not, how long since has this condition of coal monopoly and coal production been in existence in West Virginia?

Mr. ELKINS. Mr. President, some of them were known, but they were not so accentuated as they are now; besides, the bill the Senator refers to was more particularly aimed at correcting rebates and discriminations.

The people are entitled to protection against these abuses, which exist generally and work so much injustice to shippers and independent operators, especially in the State of West Virginia. And I will say, by the way, that there is no argument in the Senator's question. Because evils and abuses exist and have not been corrected heretofore furnishes no reason why they should not be corrected now. If the Senator goes much further, Mr. President, I shall think he is on the side of the railroads.

Mr. TILLMAN. Mr. President, if the Senator will pardon me——

Mr. ELKINS. I must proceed. I have a long speech, and I am sure the Senator wants to hear it.

The VICE-PRESIDENT. The Senator from West Virginia declines to yield.

Mr. TILLMAN. I hope the Senator will not throw a rock and cut me off from the opportunity of even catching it.

Mr. ELKINS. Later on I will give the Senator ample opportunity to put his question.

The people demand absolute protection against excessive rates, but there is little complaint on this score. What they complain of most and what they desire Congress to do is to provide adequate remedies for the correction of abuses I have mentioned and others that might be named.

As to all these abuses the bill is silent. It may be said that the States should legislate to correct these evils. In the State of West Virginia, and nearly all the States, there has been legislation on these subjects, but for many reasons the law is not invoked. In the first place, a shipper, single handed and alone, can not afford to sue a great interstate railroad; in doing so he is bound to incur large expense, great delay, and is sure to incur the hostility of the great through line, which may work irreparable injury to his interests.

I have introduced amendments covering these omissions in the bill and sincerely hope they will be adopted by the Senate. Nothing short of their adoption and becoming law will satisfy the shippers, independent operators, and the people generally of my State.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Colorado?

Mr. PATTERSON. I hope I will not interrupt the flow of the Senator's thought, but——

Mr. ELKINS. I yield to the Senator.

Mr. PATTERSON. I think I will bring out the Senator's position even more clearly than the Senator has brought it out by the question I put. Is it the opinion of the Senator that to regulate the evils the country is laboring under from railroad practices the bill reported from the committee is not nearly drastic enough for the Senator?

Mr. ELKINS. Is that your question?

Mr. PATTERSON. Does the Senator want a more far-reaching and more comprehensive bill, so as to eliminate more of the evils than are reached in that measure?

Mr. ELKINS. In reply to the Senator I will state that I do. I have said that the bill, though containing many excellent provisions, does not go far enough; that as to these omissions and abuses I have named it is silent and does not attempt to provide any remedy whatever.

Mr. PATTERSON. I will suggest that I do not believe the Senate is giving very close attention to that part of the Senator's speech. I was attracted by it, and I should like the Senator to repeat in what respect, in his opinion, the measure now before the Senate is not drastic enough and what evils it does not reach.

Mr. ELKINS. I have just named four omissions in the bill: First, the interstate railroads do not put in switches and sidings upon a reasonable request from the shippers to enable them to do their business; secondly, they do not make connections with branch or lateral lines and prorating arrangements, so that the branch line can live and shippers on those lines ship their products to market. They do not provide a fair distribution of cars. There is no provision in the bill to correct these abuses. Another thing is that there is nothing in this bill to prohibit a railroad from owning, mining, and selling coal in opposition to shippers.

Mr. BEVERIDGE. If the Senator will permit me, does he have an amendment which will compel the proper distribution of cars?

Mr. ELKINS. I have amendments covering all these points.

Mr. BEVERIDGE. I am sure there are a number of Senators here who would be glad to see how the Senator would secure what he thinks could be an equal or proper distribution of cars.

Mr. ELKINS. It is a most difficult question, but I have tried to put it in proper shape in one of my amendments.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. ELKINS. Certainly.

Mr. FORAKER. If the Senator will permit me, I will say for the benefit of the Senator from Indiana that the Supreme Court has recently decided that there is power under the so-called "Elkins law" to enforce a distribution of cars among operators that will be fair and just. Suit was brought in the State of the Senator from West Virginia for a mandamus to compel the furnishing of cars on a just basis to operators who were complaining that they could not get a just distribution of cars, and the relief was granted.

Mr. SPOONER. The proceeding for mandamus was authorized by existing law.

Mr. FORAKER. By existing law, and so far as the distribution of cars is concerned there is legislation on the statute books now that is efficient to correct that evil, as in the past it has been an evil; but for a number of years past there has been no occasion for anybody to suffer in that way who saw fit to resort to the courts for redress.

Mr. ELKINS. The Senator from Ohio is slightly mistaken.

Mr. PERKINS. With the permission of the Senator from West Virginia, I should like to ask the Senator from Ohio if under the present bill as presented from the committee the Interstate Commerce Commissioners have the right to route freight over any line of road the shipper may designate.

Mr. ELKINS. There is nothing in the bill on that subject.

Now, let me answer the Senator from Ohio. The Supreme Court has not decided that question, but the circuit court of the United States, Judge Goff rendering the opinion, and the circuit court of appeals have done so.

Mr. FORAKER. It was decided in the circuit court and also in the circuit court of appeals, with the Chief Justice of the Supreme Court as the presiding judge in the court of appeals.

Mr. ELKINS. But that is not the Supreme Court of the United States.

Mr. FORAKER. I was in error in that respect; I was confusing that case with the recent Chesapeake and Ohio case, but it is now pending in the Supreme Court, and I do not think, in view of the two decisions below, that the decision is likely to be reversed.

Mr. ELKINS. This decision was rendered in West Virginia, and in the circuit court of appeals, and the court found power enough in what is known as the Elkins law to compel a fair distribution of cars by preventing discrimination which would work an unfair distribution of cars. That is the only case that has arisen under that law as yet, but there is no mention of distribution of cars nor anything like it in the Hepburn bill. That is the point I want to make.

Mr. BEVERIDGE. I should like to ask the Senator whether he thinks that existing law or any that could be devised could compel what the shipper himself would think to be a proper distribution of cars? As to the mandamus proceeding mentioned by the Senator from Wisconsin and the Senator from Ohio, of course that is reasonably clear, but even that would not and could not secure the distribution of cars to meet an emergency such as occurs in the shipment of meats or fruits that are spoiling, or something of that kind. That is one of the little items of this great complicated problem which has, of course, attracted the attention of everyone, and particularly my attention, in such little study as I have given it. I should be glad to have the Senator from West Virginia, who is an expert upon this matter, say how any law could be devised that will secure a proper distribution of cars in the opinion of the shipper?

Mr. ELKINS. In the opinion of the shipper, I do not think Congress could so frame a law that compliance with it would satisfy every shipper. Shippers can hardly ever get enough cars, especially when there is a demand for coal and coke. If shippers could get all the cars they wanted, then the market would soon be glutted—the supply would become greater than the demand and the price of coal go down—perhaps it would not be a good thing to give all the shippers all the cars they might want all the time. The railroads could not do it; they don't have enough cars to go around, and if they did the market would be congested and prices fall, but there should be no discrimination in the distribution of cars.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. ELKINS. I do.

Mr. TILLMAN. I am glad the Senator has reconsidered and has let in others, and I would like to trespass on his patience for a moment.

Mr. ELKINS. It was not my intention to let anybody in, but the discussion seemed to be so interesting on these points that I was almost compelled to yield. I will yield to the Senator with great pleasure; he is on the committee and in charge of the bill.

Mr. TILLMAN. I should like to ask the Senator from West Virginia, or the Senator from Ohio, or the Senator from Wisconsin——

Mr. ELKINS. Will the Senator allow me to answer the question, as I have the floor?

Mr. TILLMAN. All right. I wish to ask anyone who is able to answer, how long it will take by this method of procedure in the courts to get relief on the question of the distribution of cars by a mandamus proceeding after a hearing before the district court or the circuit court and then before the court of appeals, and then on to the Supreme Court? I just want to know what time it will occupy. I think the Senator from West Virginia is entirely correct in saying there is nothing in the Hepburn bill which will reach this abuse.

Mr. ELKINS. There is nothing in the Hepburn bill. Under existing law the right to advance a case is given and it would not take so long. In the case that came up from West Virginia it was a very short suit, and it reached the circuit court of appeals in due season, and the railroads were satisfied with the judgment of the court in its decree as to the distribution of cars.

Now, to reply more definitely to the Senator from Indiana, as I said, it is a very difficult thing to provide in the bill for a fair distribution of cars. We can have the wording that upon a reasonable request or upon request the carriers shall furnish cars and distribute them fairly and justly among shippers. Then there is a provision in the Hepburn bill that makes it an offense not to carry out any of the provisions of the act. That leaves it to the Commission to say what is a fair distribution of cars. I do not think that you can probably go any further than that. The Senator from South Carolina [Mr. TILLMAN] asks how long it will take. We ought to have a remedy even if it does take a long time. Is not that better than not to have any remedy at all? As his bill fails to provide any remedy whatever I do no know what he is complaining about. He does not want any law or he objects to a law that allows a long time. Now, if the Senator from South Carolina stands by his bill, then he does not want any law.

Mr TILLMAN. This is the Hepburn bill. I am only in charge of it. It is not my bill. I do not want you to try to put any paternity of that sort upon me.

Mr. ELKINS. You have its paternity fastened on you, whether you consent or not.

Mr. TILLMAN. I am not speaking of any disgrace that attaches at all, because there is some effort to do something for the people. I repudiate any assumption that there is any disgrace in trying to help to get a reasonable railroad-rate bill. But I want to ask the Senator whether he does not consider that if we could by some machinery of the courts or the law prevent railroads from engaging in producing coal and other things, would there be any row or any complaint about not furnishing cars? If the carrier was confined to the business of transportation, would he not be anxious to furnish all the cars that anybody would load for him, because that would be his occupation and his income would depend upon the amount of traffic?

Mr. ELKINS. I will reply to the Senator that I have another amendment here meeting this very point in order to facilitate and to help out the people that he seems always to have in his particular keeping. The Senator takes the dear people out of his vest pocket every morning and puts them down on his desk and says, "Dear things, I will have charge of you and not allow the bad corporations and railroads to get you this day of our Lord." Then he puts the dear people back in his pocket, to be securely kept over night, and says, "Now, I have done my duty." Nobody looks after the people.

Now, Mr. President, I am trying to look after the people just as much as the Senator. I have just as much interest in them and love them just as much as he does, and so does every other Senator on this floor. I am trying in what I have to say to suggest means in his bill to guard and protect the rights of the people, and I want his able cooperation to provide proper remedies. One of my amendments goes right to that point, that the carrier shall be confined to doing the business for which it is incorporated, namely, to transport freight and passengers and do no other business, and, as the Senator has said, that would be very helpful in the line of securing a fair distribution of cars.

Mr. TILLMAN. The Senator has grown facetious at my expense. He talks about my taking the dear people out of my vest pocket every morning and then saying to the dear people, "I am going to take care of you," and all that kind of thing. I hope the Senator is not disgruntled because the dear people who voted for him, under a misconception possibly, have been sending me petitions which they would not send to him.

Mr. ELKINS. There is no argument in the world in that. The Senator can have all the petitions and all the letters he wants to print in the RECORD, if that pleases him, but I protest against the Senator constantly assuming that he has a monopoly of caring for the people's interests all the time, everywhere, and on every occasion, and no other Senator has any interest in the people, declaring often, in substance, "I am the blunt, plain, rugged, and honest Senator, and take care of the people." Now, every Senator wants a reasonable share in taking care of the public interests and the interests of the people, and I hope the Senator will not forget in his zeal that other Senators care for the people quite as much as he does.

Mr. TILLMAN. Mr. President——

Mr. ELKINS. Mr. President, I think I have given the Senator enough time.

Mr. TILLMAN. If you want to shut me off——

Mr. ELKINS. It will take me some time to finish, even without further interruptions.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from North Dakota?

Mr. ELKINS. I never will finish if these interruptions go on.

Mr. McCUMBER. I am going to ask the Senator a question on only one point, and he might still suggest another matter in which the bill is deficient. There have been a great many complaints made that meat packers, for instance, who own their own cars, are able to receive such a large rental for the use of those cars that it amounts to a rebate. Now, is there anything in this bill that prevents the railway company from paying these great packing houses such an excessive rental for the use of their special cars as will in effect amount to a good rebate every year?

Mr. ELKINS. I think this bill does meet that question, and

I think existing law does, if it does not. I think that is a discrimination that is already prohibited and punishable.

Mr. McCUMBER. Where?

Mr. ELKINS. The Elkins law, I think, does it. Besides, I think this is safeguarded in the first section and in the second amendment, near the top of page 3, where it defines transportation and what it includes. I think you will find enough authority there; but under the general proposition in the existing law there is power to prevent this discrimination, in my judgment. I did not refer to this omission, because I thought it was covered fully by existing law and partly in the Hepburn bill.

Mr. McCUMBER. I wish to say to the Senator that the provision on page 3 does not state what the railway company shall pay for the use of the cars, nor is there a limitation. It is simply a question as to what it may charge the public, and it pays it indirectly.

Mr. ELKINS. But the Commission will have control of all the things mentioned, and the bill puts them under the control of the Interstate Commerce Commission, and if under their control they have the right to regulate them in the first instance, and if there is any discrimination or rebate given there this is already prohibited and punished by law.

The Supreme Court of the United States has recently intimated that an interstate carrier could not engage in the business of selling coal. This decision would seem to cover one of my amendments, yet I feel it would be well to incorporate this amendment in the law, and hereafter plainly prohibit railroads from engaging in any other business than that of transportation of freight and passengers to follow the suggestions of the Supreme Court.

The most important amendment is the one providing that interstate lines shall make prompt connections with connecting branch or lateral lines, and fair, just, and reasonable prorating arrangements with them. It can hardly be hoped that another trunk line will be built to New York, Boston, Philadelphia, or Baltimore. Entrance into these cities by another trunk line is almost impossible. The cost and obstacles to be overcome make it prohibitory. In a less degree the same might be said of the great cities of the Union, especially Chicago, St. Louis, San Francisco, and Cincinnati. The people must, therefore, in the future depend largely for the further development of the country and continued increase in business upon short lines of railroad reaching rich sections. This is especially the case in the great State of West Virginia, one of the richest in the Union.

Unless the interstate railroads, reaching all the large cities and markets, make fair connecting and prorating arrangements with branch and lateral lines, the business and development of the country must be retarded. These great railroads already have immediately along their lines all the business they can do at present, and they hold that no one else should build necessary branch and lateral lines in what they term their territory. That is the assumption of these great lines, that it is "their territory," and if anyone attempts to build a branch or lateral line it is an invasion of this territory. There are many men who can build 10, 20, 50, or 100 miles of railroad to connect with interstate lines who could not possibly build a trunk line.

In the State of West Virginia and other States there are many men who have made large investments in agricultural, coal, timber, iron-ore, and other lands who are able and desirous of building short lines from 10 to 100 miles long to reach these lands and find a market for their products, but they will not build them under present conditions because of the difficulties in the way of getting switches and connections with the interstate lines, and, when they do get them, securing fair treatment. Men can not afford to take this risk without the law guarantees them protection, and the people look to Congress to provide this protection in the bill under consideration.

As matters now stand it is in the power of the great through lines to largely prevent the building of branch or lateral lines or to utterly crush them out when built or make them unprofitable. If there is not a provision in this bill compelling connections and fair treatment to short lines, the certain result will be that people who have made investments in lands will lose their money, fewer railroads will be built, and there will be less business and less development of the resources of the country.

Railways are entitled to all the protection under the law that other property enjoys. No well-minded citizen wishes to make war on railroads; an injury to the railroads would be an injury to the country; but the great lines should not be permitted to absorb the transportation of the country, prevent smaller lines being built, impair large investments, and compel rich sections of the country to remain undeveloped.

HEPBURN BILL EMPOWERS COMMISSION TO FIX RATES BETWEEN LOCALITIES.

All agree that the power to fix rates between localities should not be conferred on the Commission for many and obvious reasons. I refer to this because there is a marked difference of opinion among Senators on this point. It is claimed by the able Senators who helped to formulate and draft this bill that this power is not conferred, and that it would be dangerous if conferred. My purpose is to show that it is conferred, and I agree that it is dangerous. It would place in the hands of five or seven men the power to impair the growth of one section of the country and build up another. Railroads are vitally interested in building up communities and localities which they reach and serve; their interests are mutual and there should be no antagonism between them. All things being equal, carriers are prosperous just as communities on their lines flourish. A railroad can not prosper by oppressing localities on its line; therefore railroads can better adjust rate differences between communities on different lines than a Commission, they can give and take in a contest about rates; there is an elasticity in the operation of railroads by their officers and employees that the Commission does not and can not possess. If a railroad attempts to favor a particular city or locality on one line against a city or locality on the other line, the power railroads have of lowering or advancing rates can compel consideration and attention to the complaints of the injured community and in the end it can get a fair adjustment, and generally does. Railroad rates, like water, seek a level, an equilibrium, which in the end, sooner or later, brings substantial justice and satisfaction to the public.

The differentials that now exist on the Atlantic seaboard are the result of a contest of a quarter of a century, largely between communities, and at times, railroads. A commission never could reach the result worked out by railroads, because it only has the power to reduce rates, and in dealing with differentials in order to get an adjustment it has to cut down and never can advance the rate. If it lowers the rate from Chicago to New York, then it must do the same to Philadelphia and Baltimore.

Differentials concern communities more than they do railroads, and communities, through their boards of trade, chambers of commerce, and commercial organizations, take an active interest whenever there is a proposed change in rates. In the case of differentials between New York, Boston, Philadelphia, and Baltimore submitted to the Interstate Commerce Commission as arbitrators and lately decided, the railroads were almost passive, while the boards of trade and chambers of commerce of the respective cities conducted the arguments. They seemed much more interested than the railroads. It is a remarkable fact that after the hearing and consideration of this case for months by the Commission there was no substantial change in the adjustment of the differentials made by the railroads.

The power conferred upon the Commission by the bill that whenever it finds any regulation or practice whatsoever of such carrier or carriers affecting rates unjust or unreasonable, or unjustly discriminatory, it is to determine and prescribe what will, in its judgment, be a "just and reasonable rate or rates, charge or charges," to be thereafter observed, and what regulation or practice is just, fair, and reasonable to be thereafter followed, unquestionably gives the power to the Commission to fix and determine rates between localities. Under the words "regulation or practice" the Commission might determine largely how railroads should be run and operated.

While it is claimed that the Hepburn bill does not give the Commission discretionary power to revise or prescribe differentials or to readjust the relative commercial location of competing cities, it is very clear that the bill does confer such power. But more than this the bill, as well as all others, necessarily vests in the Commission the power to prescribe rates in terms of other rates, thus prescribing differentials which will be automatic in their operation.

For example, the rate from New York to Chicago on first-class freight is 75 cents per 100 pounds. On first-class freight the rate from New York to St. Louis is 116 per cent of the New York-Chicago rate.

Allow me to explain just here that the New York-Chicago rate is made the basis of the rates this side of the Mississippi River, and the rates to the various cities are percentages above and below the New York-Chicago rate. For instance, East St. Louis is 116 per cent. Then it takes 2 cents per hundred pounds on first-class freight to get across the bridge and into the city. To Cincinnati it is 85 cents; in Detroit, 60 cents, and to Pittsburg, 50 cents—I mean of the New York-Chicago rate—

and the Pittsburg rates govern all the points in my State west of the mountains. If the Commission lowers the percentage of the New York-Chicago rate to Cincinnati, say, 9 per cent, that would absolutely affect the rates between Chicago and Cincinnati and New York and Cincinnati, and it can not be avoided.

Suppose a man has an iron or steel plant in Cincinnati and ships to New York. The very moment you lower that rate 9 per cent, I mean of the Chicago-New York rate, the Detroit man, who has a similar factory, complains and says: "I can not get to New York on my rate and compete; I established my factory here on a certain percentage rate. I built my plant on this rate, and I can not permit this, because I can not compete, and I must have a lower rate or go out of business." Now, what does this bring about? It brings about the very thing deprecated by the junior Senator from Iowa [Mr. DOLLIVER] in his very eloquent periods describing the antagonism and war between cities and localities that would follow if the Commission should have the power to fix rates between localities. I could amplify this. The Peoria rate is the Missouri River rate; and see what a far-reaching thing it is to disturb that rate. The Ohio River and the Missouri River rates include nearly all the rates in the Middle West and upon the Atlantic seaboard, or they are affected by any change that may be made.

But, Mr. President, to proceed with the St. Louis differential, where I was interrupted.

The 16 per cent constitutes the differential of St. Louis over Chicago. It is open to jobbers in St. Louis to complain that this differential is unduly prejudicial to St. Louis. Under the Hepburn bill it is in the power of the Commission, if it finds the rate to St. Louis unduly prejudicial as compared with the rate to Chicago, to prescribe a maximum rate to St. Louis. It is not necessary for the Commission to prescribe this rate in figures independent of other rates. One of the most usual ways in determining rates is to describe them in terms of percentage of other rates; therefore the Commission, if it agrees with the St. Louis jobbers, can provide that the maximum rate from New York to St. Louis shall be not more than 105 per cent of the rate from New York to Chicago. Any subsequent reduction in the rate from New York to Chicago will automatically reduce the rate from New York to St. Louis, so as to preserve the new differential of 5 per cent thus established by the Commission.

You see, if you change the New York-Chicago rate to 70 cents, the East St. Louis rate would still be 105 per cent of that rate.

Mr. ALLISON. Mr. President, I desire to interrupt the Senator to ask him a question on that point.

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. ELKINS. Certainly.

Mr. ALLISON. Do I understand that the Hepburn bill, or the amendments to that bill, change existing law on that subject? Is it not true now under existing law that that question can be raised, if it can be raised, under this bill? I have endeavored to ascertain what changes have been made in the pending bill in that respect, but I do not find that the law on that subject is changed in any way by this proposed amendment of the statutes. In other words, if this bill authorizes the Commission to deal with these questions they have that authority now, and this bill does not change it.

Mr. ELKINS. I think the Senator has misapprehended the law, if I understand it. Of course I say this with due deference to the Senator. This question was raised in the Maximum Rate case, and the court would not allow the Commission to do that very thing—I mean fix the rates between localities—and under this bill, without a right to review, and the right expressly given to change any rule or regulation affecting rates, the power, to my mind, is clearly conferred on the Commission to fix rates between localities.

The Maximum Rate case stopped the change of ninety-six rates, I believe it was, because the court decided the power was not in the Commission to enforce its orders and make these rates; but if the right of review is not allowed the courts, then the Commission can fix them.

I think the Senator will find, on a more careful examination of the bill, that the existing law will be changed to that extent. At least, that is the way I understand it.

If the power to prescribe practices is constitutional, then, in all probability, that power would in itself give the Commission far-reaching power over the question of differentials and relative rates. An established custom of the railroads to allow Philadelphia a differential of 2 cents under New York on business from Chicago is, in one entirely natural sense, a "practice affecting rates."

There is where this power is again conferred. The Commission might, therefore, claim with success that it could prescribe a new "practice affecting rates" by ordering a new differential to be observed. I think that is a full answer. This undoubtedly confers on the Commission the power to determine and fix the rates between localities. Then, again, the bill confers power on the Commission to fix rates between localities by further providing that the Commission may inquire into the violation of any of the provisions of this act.

That is section 3 of the old act. If this bill should become a law, then it will be all one law. Now, let us see what section 3 says:

> That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic.

Here the power is expressly given to set aside any preference or advantage given to any locality, and fix the rates to such locality, and while the bill attempts but fails to give the carrier the right of review by the courts it denies it to the shipper and localities. There should be a definite provision in the bill denying the power to a commission to fix rates between localities on different lines and the right given any shipper or locality that may be affected by any order of the Commission to a review by the courts.

Mr. GALLINGER. Is the Senator just quoting from the law?

Mr. ELKINS. Those are my words. I have read section 3. I think those two provisions clearly establish the right under this law to fix rates between localities. I believe even the framers of the bill themselves deprecate this; and all agree that we can not confer upon any tribunal in the world this right, because, if we did, what would happen? Very soon there would be trouble between cities, then communities, and then between sections—the very thing all seem to wish to avoid. We are in great danger if this power is conferred of getting, say, the Pacific coast and the South Atlantic States into antagonism and trouble of a most serious kind. This is a most delicate matter. You touch one of these determining rates and everything is instantly in confusion. If you disturb the cotton rate from New England, you affect the cotton rate from the South, and I might go on with all the rates from basing points.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Hampshire?

Mr. ELKINS. I yield.

Mr. GALLINGER. On that point, Mr. President, I will ask the Senator what he thinks of an amendment which I have proposed and had printed, which reads as follows:

> Nothing herein contained shall be construed as authorizing the Commission to hear any complaint based upon an alleged preference given to one locality over another, nor to set aside or substitute any rate because of any alleged preference of one locality over another.

Mr. ELKINS. I think that might do. I would have offered an amendment on this point, but I have proposed so many amendments that I hesitated.

Mr. ALLISON. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. ELKINS. Certainly.

Mr. ALLISON. If the Senator will allow me, the point he is just now touching is one of the essential features of this bill; and I am very glad, for one, to have his view upon that subject. As I understand, the promoters of this bill state that these changes apply only to the line with reference to which the complaint is made, and that they absolutely exclude the idea of dealing with questions as respects competing lines. If that be true, then the amendment of the Senator from New Hampshire [Mr. GALLINGER] partially covers it. I think I might suggest another amendment that would aid in that regard; I will not do it now, but I consider that one of the questions we should have clearly understood and defined in this bill is whether or not the power of this Commission is to be extended beyond the power they now have either directly or impliedly. I am very glad to have the Senator call attention to that subject.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. ELKINS. I do.

Mr. FORAKER. I want to ask the Senator from Iowa [Mr. ALLISON] if he favors putting into this bill a prohibition against the consideration of relative rates? I mean relative as to localities. Did I understand the Senator from Iowa to so state?

Mr. ALLISON. Just at this moment——

Mr. BACON. I should like to call the attention of the Senator from Iowa to the fact that when he turns his face in the other direction those of us on this side can not hear him, and we desire to do so.

Mr. ALLISON. I will address myself to the Chair.

I will say just at this moment that I do not wish to commit myself—I hope the Senator understands that—as respects this particular feature of the bill; but I repeat that I regard it as one of the most important provisions of this bill. What we do mean should be settled clearly and distinctly, if it is not now settled clearly and distinctly.

Mr. FORAKER. Mr. President——

Mr. ALLISON. I will say one word more. My impression is at the moment, before I hear the debate further, that if it is not clearly provided for in this bill the amendment of the Senator from New Hampshire ought to be dealt with, and in some form should be embodied in the bill.

Mr. FORAKER. I regret that the Senator is not prepared to give us a positive statement as to his position in regard to this extremely important question. It is one of the most important questions connected with all this legislation. My home happens to be in Cincinnati. It is an acute question there, and has been for years. I was disappointed, as I know the shippers of that community must have been, when they read in the report made by the House committee on the Hepburn bill that they had not undertaken to deal with that question, but had postponed it for some future time, when they would give further consideration to the subject. Now, let me state to the Senator from Iowa what our difficulty is, and then he will understand why legislation that does not deal with that question can not do us any good.

The city of Cincinnati, speaking in round numbers, is about 400 miles distant from Atlanta. The city of New York, I will say, in round numbers, is something like 800 miles distant from Atlanta, but the roads from New York to Atlanta give practically as cheap rates as the rates that are given by roads from Cincinnati to Atlanta, only half the distance. The contention of the people of Cincinnati is not that the rates from Cincinnati to Atlanta are in and of themselves too high, but that they are relatively too high; that it is a discrimination against Cincinnati to take goods into Atlanta or other points in the South twice the distance at practically the same rate. It is against that sort of discrimination, as it is claimed it is, that the people of the community in which I live have been trying to get some relief.

If we are to be told that this bill does not meet that case, and that to make it doubly sure that it shall not and can not be construed to meet it, we are to put another amendment in it such as the Senator from New Hampshire proposes, I think there will be widespread disappointment, not only in that community, but in every other community, and there are perhaps thousands of them that are making similar complaints. I do not ask the Senator to answer now, for it is a troublesome question, and I can understand why he wants to answer it in a guarded way. It is a question that has given us all great difficulty; it is complicated, and it is hard to meet; but I want to invite the Senator's attention to it as one of the practical questions and to ask him to consider it, so that when we come to vote we can intelligently act upon that proposition.

Mr. ALLISON. Mr. President, just one moment——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. ELKINS. I do for just one moment.

Mr. ALLISON. As I understand, the Senator from Ohio [Mr. FORAKER] has a different view of what ought to be in this bill from the Senator from New Hampshire [Mr. GALLINGER], and therefore I think he must not reflect upon me because I have not been able, in the conflicting views of Senators who are friendly to this measure and who want to secure effective legislation, from the investigation I have been able to make to ascertain certainly what ought to be done with reference to this most complicated provision in this bill.

Mr. FORAKER. Mr. President, I hope the Senator from Iowa will not think I was trying to reflect upon him. I was only directing his attention to the matter, and I said I was not surprised that he was not able to give a positive statement as to what his attitude may happen to be after he hears the discussion. It is true that I do not agree with other Senators exactly as to what should be in this bill; but I want to say here, taking opportunity now while this is in the minds of Senators, that neither in this bill, nor in any other bill of this kind that can be framed, can you legislate so as to cure that evil. In the House they purposely omitted to put in a provision, out of the many that had been offered for that purpose, to cure it, and acknowledged in their report that they had passed it over without undertaking to deal with it. I have a measure that does deal with it, and I can satisfy the Senator from Iowa, I think, that under the amendment of the Elkins law which I have proposed we can meet and deal with that question without doing any injustice to anybody. I want to impress this upon the minds of Senators so they will understand it.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. ELKINS. Being my colleague on the committee and in charge of this bill, I do not want to make any distinction, and I yield to the Senator.

Mr. TILLMAN. I am very much obliged to the Senator for his courtesy. The question just broached by the Senator from West Virginia [Mr. ELKINS] and the Senator from Iowa [Mr. ALLISON] is a very important one, probably as perplexing as any other with which we have to deal. With regard to rates between Cincinnati and Atlanta, for instance, or Chattanooga, they are, as I understand the Senator from Ohio [Mr. FORAKER] to say, the same as from New York, twice as far away.

Mr. FORAKER. I should say practically the same.

Mr. TILLMAN. Very well. I am speaking relatively. They are practically the same; but the Senator should consider in that case that the Atlantic Ocean runs from New York down as far as Savannah, giving water transportation, and that the railroad haul from Savannah to the interior there would give some little reason for an apparent discrimination against Cincinnati, where the road runs entirely overland, with no water transportation of any kind.

But let us consider that question as broached by the Senator from New Hampshire [Mr. GALLINGER] in his proposed amendment. He does not want the Interstate Commerce Commission to deal with the question of differentials or preferentials in regard to the ports of New England. I believe this question will never be settled justly and will never get to a place where it will satisfy the American people until we come to a flat mileage rate, where the people who live in any part of the United States will be compelled to take the disadvantages or the advantages of their location. Of course I can understand that New England, as of old, should be anxious to maintain any advantages which she possesses.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Rhode Island?

Mr. ELKINS. Yes; but I do not know whether my other colleague on the committee [Mr. TILLMAN] has finished.

Mr. TILLMAN. I am not through at all. I am just beginning to present the question.

Mr. ELKINS. I don't want so many speeches made in my speech. I will answer questions, and I want to oblige all Senators, but I can not yield to Senators to make speeches.

Mr. TILLMAN. But the Senator was sitting down until I got up. Why does he not sit down again?

Mr. ELKINS. If I do, I am afraid the Senator will speak all day.

The VICE-PRESIDENT. Does the Senator from West Virginia yield?

Mr. ELKINS. If Senators will allow me, I will answer questions, but I do not want to yield otherwise.

Mr. TILLMAN. The Senator is not going to cut my argument off right behind the ears in that way, is he? [Laughter.]

Mr. ELKINS. The Senator can make his argument, and I will answer him when discussing the amendments.

Mr. TILLMAN. If the Senator insists, I will have to give way; but as the subject was broached by other Senators and you allowed them to have their say, I was trying to give my views; I think it a little unkind, but, of course, I will have to submit.

Mr. ELKINS. You have talked as long as the other two.

Mr. TILLMAN. I suppose I have more to talk about than they have. [Laughter.]

Mr. ELKINS. But you will have to give me a chance.

Mr. TILLMAN. I will get out of the way. There is plenty of time, I imagine. Unless the Senator from Rhode Island [Mr. ALDRICH] will agree to an early vote, we will have ample opportunity to discuss all of these questions.

The VICE-PRESIDENT. The Senator from West Virginia declines to yield.

Mr. ELKINS. I do not want the Senator to feel hurt.

Mr. TILLMAN. I must feel that you have not treated me with the same courtesy that you have treated others; but I will get even with you. The Senator had better take care; I will get even with him. [Laughter.]

Mr. ELKINS. The Senator always gets even, but I am ready to meet the Senator on getting even in this debate or any other debate. But I did try to be just as courteous to him as to others, and I sent a page to him to tell him to get in, because I saw he was getting very restless.

Mr. TILLMAN. And as soon as I get in you jerk me off my feet.

Mr. ELKINS. But the trouble with you is you want to make a speech every five minutes while I am speaking. [Laughter.]

Mr. BACON. I rise to a point of order, Mr. President.

The VICE-PRESIDENT. The Senator from Georgia will state his point of order.

Mr. BACON. The Senator from West Virginia and the Senator from South Carolina are both out of order, and have been repeatedly so, in addressing each other as "you," which is against the rule of the Senate.

The VICE-PRESIDENT. The point of order is well taken. The Senator from West Virginia is entitled to the floor.

Mr. ELKINS. Mr. President, I know this is one of the most important questions raised under this bill. I have shown, I think, conclusively that the power to fix rates between localities is given in the bill, and that it is a dangerous power, and I expressed the hope that a definite provision be incorporated in the bill against conferring this power on the Commission, and I think the amendment suggested by the Senator from New Hampshire does meet the case. Probably it might be changed somewhat.

THROUGH ROUTES AND THROUGH RATES.

Through routes and through rates are desirable and would furnish shippers and producers wider markets for their products, and I wish the bill provided, in a way free from objections, for establishing through routes and rates. Shippers often on one line of railroad can not reach points or markets on other lines because there are no through routes and rates established.

If a shipper on one line of railroad finds a market at some point on connecting lines and there is no through route established or rate made to that point, while the connecting line or lines could not refuse to haul his products, they could charge such a rate that would make it impossible to ship as against the shipper on another line who has a through rate to the same point, and therefore he would be excluded from the market.

If a shipper on the Baltimore and Ohio wants to reach a point on the Reading, Pennsylvania, New York Central, or Lehigh Valley, and there is no through route or rate, he is excluded from any point on those lines unless he pays local rates, which would be prohibitive. The bill attempts to afford a remedy by giving the Commission the power to establish through routes and rates, but is so drawn that I fear it defeats the purpose desired.

State laws authorize an intrastate road to make certain charges for transporting freight and passengers. Can this intrastate road, entirely under State jurisdiction, be made a part of a through route and be forced into an arrangement with three or four other roads, whereby it gives up the right to name its local rate, and haul through freight at a rate named by the Commission which it does not agree is profitable or remunerative?

Suppose the carriers refuse to establish a through route from New York to points in Arkansas, Texas, or California, and upon complaint the Commission establishes one and names the rate; and suppose when freight is offered to the Pennsylvania Railroad in New York, being the initial road in the through route named, it says that with the business it has in hand it can not undertake to transport this freight to points in Arkansas, Texas, or California, for the reason that the business demands upon the road in the States of New Jersey and Pennsylvania, where it was incorporated, and other States where its lines reach, are greater than it can do, and if its cars are sent to these distant points it will be compelled to refuse freight offered on its home lines and subject its charter to forfeiture by a proceeding on the part of the State. Then, again, some of the connecting lines, especially the intrastate lines, might not have the motive power to haul this traffic. Under these circumstances can Congress compel the initial line to furnish the cars and connecting lines the motive power on this through route?

It is difficult to see how one carrier can virtually be given the use of the road and equipment of another carrier without the consent of that carrier and without any judicial determination as to the just compensation to which that carrier is entitled. No tribunal but a court can decide what is just compensation. The terms and conditions under which through routes are operated are essentially matters of contract involving a great many different and difficult details, among them what schedules shall be maintained, what proportion of the equipment each company shall furnish.

SUSPENSION OF ORDER PENDING SUIT FROM A PRACTICAL STANDPOINT.

If the right to suspend the order of the Commission in the discretion of the court should be denied, this might work serious results from a practical standpoint. Should the Commission find the rate named by the carrier excessive and reduce it, and the reduced rate goes into effect at once and remains until the final hearing and determination of the action to set it aside in the circuit court, then this new rate, pending the litigation, would have to be published as all other rates, and if the rate reduced affects other rates—and it may affect hundreds of other rates—then all of these rates would have to be reduced, go into effect, and likewise be published.

If the court should hold that the carrier was right and the rate it made in the first instance was not excessive, then the reduced rate and all other rates changed would be restored.

The price of products would have to be advanced or reduced accordingly as the changes might take place in the rates. It takes time for merchants, shippers, and communities to accommodate their business to changed rates, because changes in rates bring about changes in prices. In any event, from a practical standpoint, there should be as few changes in rates as possible. But if the order made by the Commission naming a substitute rate should be suspended pending a suit, this should be done only upon the condition that a deposit in money is made in court by the carrier sufficient to pay back to the shipper the difference between the rate made by the carrier and the one made by the Commission and suspended by the court. In this way the shipper would be absolutely protected without being required to sue the carrier for the difference he may have paid. For my part I would prefer, if it could be done, that the substituted rate made by the Commission go into effect within a reasonable time and remain in force until the determination of any suit to set it aside; but able lawyers say that the courts have the right upon proper showing to grant interlocutory injunctions, and this right can not be taken from the courts.

DIVIDED RESPONSIBILITY.

If there should be no review by the courts of the orders of the Commission then the rates fixed by the Commission will be final unless its order violates some provision of the Constitution. This leads to a divided responsibility between the railroads and the Government in the management of the railroads. The Commission in effect acting for Congress would do the most important thing connected with the management of a railroad, to wit, fix the price of transportation, the only thing a railroad has to sell. Divided responsibility in business is most always attended with failure, and with the Government is almost sure to be, and this happening, the next move would be to try to secure government ownership of railroads. It may then come about, as it often does in the business, social, and political world, that extremes meet for a common purpose. Those favoring government ownership would join the owners of railroads in imploring Congress to take over the railroads, even at a fair price. Under certain conditions, government ownership of railroads would not be opposed by the owners of railroads as much as by a majority of the thoughtful people of the country.

There is a wide difference between government regulation to prevent excessive rates and correct abuses, and government management of railroads. The power is conferred on the Commission in section 15 of the bill to prescribe what "regulation or practice affecting rates" is just and reasonable, and to establish through routes and rates and prescribe the division of the same, and the "terms and conditions under which such through routes shall be operated." Just what the words "regulation or practice affecting rates and terms and conditions under which through routes shall be operated" mean no one knows, and will not until the courts consider them.

One thing is certain, they mean more than regulating commerce and fixing rates, and seem to go far in the direction of management by the Commission. Operating a route is not clear; operating a railroad is quite clear. The words must apply to railroads and mean the terms and conditions upon which railroads making up the through routes shall be operated. If so, this would be government management, in which the railroads would have little or no part.

The true limit of government regulation should be to secure by proper laws ample protection to the public interests—protection to the shippers and the people against excessive rates and all abuses, wrongs, injustices, and discriminations by railroads. The first and longest step toward government ownership would be government management of railroads. In trying to properly regulate rates we should be careful not to confer power on the Commission, even by implication, to manage railroads.

If we should find the Commission had power even to in part manage railroads, this would not last long. The railroads, in my judgment, would prefer government ownership.

I submit to the Senate that when you confer the power to prescribe the terms and conditions upon which routes shall be operated, you are going a long way. "Routes" means nothing if it don't mean railroads.

Mr. SPOONER. Would it not be subject to judicial review?

Mr. ELKINS. If the power is given to be exercised by the Commission, then the order would be subject to review, unless the orders of the Commission are made final. I do not see how it would be interpreted otherwise. I am strongly in favor of widening markets by allowing shippers to get to all markets alike, but I do not see how, under the language of this bill, this can be done.

Capital is always timid; if it is fettered or handicapped beyond the point that it deems fair treatment it will take wings and fly away. It will not long share a divided responsibility with the Government. It must be free to manage its investments as it sees fit inside the law. If the owners of railroads find they are denied the rights granted other litigants in the courts and can not have the protection of the courts in the management of their property, they may not only consent but seek government ownership, in order to invest their capital in some branch of business the Government does not undertake in part to control.

REDUCTION OF RATES.

In the United States we have the lowest rate, the highest wages, and the best railroad service in the world. During the last thirty years rates have been reduced from 2 cents per ton per mile to about seven and one-half mills per ton per mile. On some railroads last year the average rate per ton per mile was as low as 6 mills and a fraction per ton per mile. How much further this reduction in the aggregate can go is difficult to tell—possibly if the grades and curves are improved, better equipment and better motive power provided, the average rate might be reduced to half a cent per ton per mile and yet afford a fair return to the carrier, but surely the rate can not go much lower.

When the Windom Commission made its report—and that is within the memory of the senior Senator from Iowa [Mr. ALLISON] and the senior Senator from Rhode Island [Mr. ALDRICH] and many other Senators—the great question was whether the rate could ever get lower than a cent a ton a mile. Now we have about 6 mills a ton a mile on the average and lower still on some railroads. It has been pushed down to that point, but I do not know how much further it can go; I do not think beyond 5 mills per ton per mile. Already we are so near the dividing line that the reduction of a mill or two per ton per mile may mark the difference between profit or loss. It is remarkable what an enormous saving there has been to the people in thirty years in the voluntary reduction of rates by the railroads. Take, for instance, the case of the Great Northern Railroad. A statement prepared by Mr. James J. Hill, president of the road, shows that on this single road in thirty years the reduction has been over $679,000,000. What a saving to the people!

This reduction applies to all other roads in the country, and the aggregate of the saving to the people from the reduction in rates for the last thirty years reaches figures almost incomprehensible. This saving was not the result of Government regulation, but was due to the voluntary action of the railroads.

Because railroads have constantly reduced rates and developed the country and are the most important factor in our commercial and business expansion furnishes no reason why they should not be subject to proper regulation. With the great benefits and advantages railroads bring to the country there should not follow in their wake evils and abuses that oppress the people.

All property honestly acquired is sacred and entitled to protection under the law, and there ought to be no distinction under the law between different kinds of property, but no class of owners of property should be allowed to do anything against the public interest. The people's rights and the public interests are the first care of statesmen, and are higher and beyond any special interest or business or all combined. The public weal and public welfare should be the first considerations in all we may do here. There is general unrest among the people all over the world, and more generally than ever in our own country. Just what the outcome of this unrest may be no one can foresee. Many believe that individualism, with its vast benefits, and of late its vast evils to society, has about run its course, and in its stead during the 20th century will come about some form of collectivism which we do not yet understand.

MAKING RAILROAD RATES.

Making and adjusting railroad rates, even by the most experienced traffic managers, is most difficult. Presidents of railroads and boards of directors rarely have anything to say or do about making rates. This intricate and complicated duty is confided to the traffic managers and their subordinates. They must keep their fingers on the commercial and industrial pulse of the country every moment to know what to do in the matter of adjusting rates; they must confer daily with thousands of business men all over the country and be in touch with every movement of the markets. Generally market conditions and competitive industries determine rates and not traffic managers; they simply respond to these conditions. The Weather Bureau records the weather but does not make it.

Three hundred rate schedules are received daily by the Interstate Commerce Commission; the present annual average is 100,000 schedules. From 1887 to 1904 there were 2,358,960 rate schedules filed in the office of the Interstate Commerce Commission. A rate may be profitable to-day and not profitable to-morrow. Rates reasonable on one line may be unreasonable on another to the same or different points, though the distance be the same. If railroads can have loads both ways for a year or even a month they can make lower rates than if they have loads only one way.

These and many other factors that might be mentioned enter into the making of railroad rates, and make their adjustment complicated, intricate, and difficult. The regulation of rates and the prevention of all sorts of abuses, discriminations, and rebates should be left to the Government—the management of railroads to their owners.

The hearings before the Interstate Commerce Committee show, and all agree, as a general rule the great majority of shippers are satisfied with the rates made by railroads; that rebates and discriminations are growing less, as the present laws are executed and they are being enforced vigorously; but this, as I have said before, is no reason why there should not be the strictest regulation against excessive rates and abuses of every kind, so as to protect the people and minimize evils and abuses. Because people are, as a rule, honest is no reason why there should not be laws against dishonesty, murder, burglary, larceny, embezzlement, etc.

The aim of wise statesmanship should be to so adjust matters by proper legislation that the shipper and producer can make a fair profit on their products, the railroad a fair return for the service rendered, and the consumer get what he buys at a fair price.

I considered some time whether to say "just compensation" or "fair return on capital" instead, as has been suggested by the Senator from Nevada [Mr. NEWLANDS] and the Senator from Texas [Mr. CULBERSON]. But I used the term "fair return for the service rendered" as possibly the best words.

There should be no real antagonism between the shipper, the carrier, and the consumer; their interests should be mutual and not conflicting. Legislators should work to this end and try to promote and safeguard the public interest without feeling, without prejudice, without passion, and without pressure from popular clamor. This would reach the height of genuine statesmanship. For the last eight years I have been a member of the Senate Committee on Interstate Commerce and have had ample opportunity of judging the work of the Commission, which at times has not been fully understood and appreciated. It is needless to say that the Commission is made up of men of fine ability and of the very highest character. They have from the beginning devoted themselves to the important and difficult work in hand with zeal and tireless industry. The Commission has been called upon to treat a most important and difficult subject under new legislation and interpret new laws which had not been passed upon by the courts; they had to trod paths unknown and untried, and the work has at all times been most serious and difficult. The public does not hear or know of the great work of the Commission, by far of the largest part of the work the Commission does. Since its organization it has settled amicably between railroads and shippers nearly three thousand cases without contest, trial, or proceedings in court. In this way a great deal of good has been done and a great many differences reconciled between shippers and railroads under new legislation difficult to interpret and understand. The Commission by law is intrusted with the most difficult and delicate subject in our economic development, and they have met the duties laid upon them with great ability, and an honesty and integrity that has never been assailed.

Mr. President, I now wish to consider some of the legal phases of the rate question.

Mr. FORAKER. If I do not interrupt the Senator, before he takes up this other subject I should like to ask him to tell us why he arrived finally at the conclusion that the proper expression to use in that connection is "a fair return for the service rendered."

Mr. ELKINS. I will say to the Senator, as I tried to explain, that I had some hesitancy about it. I had it "fair return on the capital" at first. Just what words to use gave me some trouble. I finally decided on those I have used, because on the whole I thought "a fair return for the service rendered" cov-

ered everything the carrier could justly ask and the words would be fair to the public.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Texas?

Mr. ELKINS. For a question.

Mr. CULBERSON. It is for a question, but the Senator will kindly pardon a sentence or two in explanation of the question. I ask it for the purpose of securing information with respect to the views of the Senator on an important matter with which I am very much concerned—that is, the question which the Senator is discussing as to the rate to be charged by railroad companies.

Under the present law they may charge a just and reasonable rate. Under this bill, which came from the committee of which the Senator is a member, the rate to be fixed by the Commission is to be just and reasonable and fairly remunerative. If the Senator will pardon a further word, the Supreme Court has held that the words "just and reasonable" have relation both to the rights of the public and of the companies, and that the rate must be fixed with reference to the rights of each. Now the committee, or at least the bill—whoever may be responsible for it—adds the words "fairly remunerative," as the measure of the rate which is to be fixed for carrying freight and passengers. I call the attention of the Senator from West Virginia to the definition of "remunerative" in the Standard Dictionary: "Affording, or tending to afford, ample remuneration; giving good or sufficient return; paying; profitable."

Now, what I desire to ask the Senator is this: First, what is the purpose of using the additional words "fairly remunerative," and if, in his judgment, those words do not have the effect of liberalizing the rule rather than of narrowing it or keeping it where it is under the common law and under the decisions of the Supreme Court, and if the words "fairly remunerative" do not have exclusive reference to the interests of the companies? And, lastly, I will ask the Senator if he will join with some of us in striking the words "fairly remunerative" from the bill?

Mr. ELKINS. If the Senator will do me the honor to listen to what I have to say further on, I will try to answer his questions more at length. It is difficult to say what the words "fairly remunerative" mean; whether they lay down a standard by which the courts can determine anything. I fear in the use of these words we get into a wide and unknown sea. I think the words "fairly remunerative" add to the difficulties of the question, as I shall try to show. The words "just and reasonable" furnish a standard by which the Commission is to be guided or to which it must adhere. I will shortly come to the point the Senator from Texas has raised.

Mr. CULBERSON. Would the Senator, in that connection, pardon another inquiry directed to the Senator from Iowa? And I make the inquiry of the Senator from Iowa for obvious reasons which have been developed in the last few days.

I will ask the Senator from Iowa if he believes the words "fairly remunerative" liberalize the rule by which the rate is to be measured, and if he would join with some of us in striking those words from the bill?

Mr. ELKINS. The Senator from Texas had better ask the Senator from Iowa at another time. For my part, I am willing to strike out those words.

Mr. CULBERSON. I am sure the Senator from Iowa would be glad to answer now if the Senator from West Virginia would yield.

The VICE-PRESIDENT. Does the Senator from West Virginia yield for that purpose?

Mr. ELKINS. I have to do the most painful act of my life—refuse the Senator his request.

The VICE-PRESIDENT. The Senator from West Virginia declines to yield.

Mr. CULBERSON. Of course I do not understand what the Senator from Iowa said to the Senator from West Virginia, in an undertone, but I appreciate all the same the reasons why the Senator from West Virginia does not yield.

Mr. ELKINS. I will discuss the point when I get to it later on.

Mr. SPOONER. Will the Senator from West Virginia allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Wisconsin?

Mr. ELKINS. With a great deal of hesitancy.

Mr. SPOONER resumed his seat.

Mr. ELKINS. Proceed.

Mr. BACON. I should like to ask the Senator from West Virginia a question.

Mr. ELKINS. I could not yield to the Senator from Wisconsin and can not to the Senator from Georgia.

The VICE-PRESIDENT. The Senator from West Virginia declines to yield.

Mr. ELKINS. I will now consider some of the legal aspects of the rate-making question.

LEGAL PRINCIPLES INVOLVED.

The general principles underlying and applicable to the power of Congress over the subject of rates by interstate carriers may be stated as follows:

1. At common law a common carrier is prohibited from making any unreasonably high charge for its services, and this prohibition has been incorporated in section 1 of the act to regulate commerce. (Int. Com. Com. *v.* Railway Co., 167 U. S., 479, 505.) Thus the shipper has a common-law and statutory right of protection against unjustly and unreasonably high rates.

2. To decide, upon the evidence, in a case properly before the court, whether any rate charged by a common carrier is unreasonably high, or, in other words, in excess of the maximum rate which would be reasonable, has always been regarded as a judicial function. (Chicago, etc., R. Co. *v.* Iowa, 94 U. S., 155, 161; Chicago, etc., R. Co. *v.* Minnesota, 134 U. S., 413, 458; Reagan *v.* Farmers' Loan and Trust Co., 154 U. S., 362, 397.)

3. Any governmental regulation establishing rates for the transportation of persons or property which will not admit of the carrier's earning such compensation as under all the circumstances is just to it and to the public would deprive such carrier of its property without due process of law. Such regulation, if by State authority, would violate the fourteenth amendment to the Constitution of the United States (Smyth *v.* Ames, 169 U. S., 466, 526); and, if by Federal authority, would obviously violate in the same way the fifth amendment to the Constitution of the United States. Thus the carrier has a constitutional right of protection against unjustly and unreasonably low rates.

4. The determination of the question whether a governmental regulation establishes rates for the transportation of persons and property so unreasonably low as to deprive the carrier of its property without such compensation as the Constitution secures is a subject of judicial inquiry. "The duty rests upon all courts, Federal and State, when their jurisdiction is properly invoked, to see to it that no right secured by the supreme law of the land is impaired or destroyed by legislation." (Smyth *v.* Ames, 169 U. S., 466, 526, 527.)

5. There may be, and generally would be, a wide range between, on the one hand, the highest rate which a common carrier could impose on the shipper without violating the shipper's common-law and statutory right to be protected against an unjustly and unreasonably high rate, and, on the other hand, the lowest rate which governmental authority could impose on the carrier without violating the carrier's constitutional right to be protected against an unjustly and unreasonably low rate. Between these two extremes there may be many different rates, each of which would necessarily be just and reasonable, because not transgressing either one of the two limits of justice and reasonableness.

6. The governmental power to prescribe rates for carriage by a common carrier is a legislative and not an administrative or judicial function. (Int. Com. Com. *v.* Railway Co., 167 U. S., 479, 505.)

7. Congress having the power to establish the interstate rates of common carriers, it would follow that Congress would have an unlimited discretion to fix any such rate at any point between the maximum rate which the carrier could lawfully charge the shipper and the minimum rate which Congress could constitutionally impose upon the carrier. This would be a wide range of discretion, and would be a purely legislative discretion.

8. That legislative power can not be delegated to any other officer or tribunal is well established and is fully recognized in the case of Clark *v.* Field (143 U. S., 649). Hence it follows that Congress can not delegate to the Interstate Commerce Commission the discretionary legislative power which Congress has under the commerce clause, whereby Congress may fix any interstate rate of a common carrier at any point between the maximum reasonable rate which the carrier could lawfully charge the shipper and the minimum rate which Congress could constitutionally impose upon the carrier.

9. The Attorney-General, in his letter of May 5, 1905, to the chairman of the Senate Committee on Interstate Commerce, holds that the only way in which a rate-fixing power can be conferred upon the Interstate Commerce Commission is for Congress to enact into law some standard of charges which shall control, and then to entrust to the Commission the duty to fix rates in conformity with that standard. In this I fully agree.

10. It would seem to follow from these premises—

First. That any legislation attempting to confer upon the Interstate Commerce Commission the power to fix rates will be unconstitutional unless it prescribes "the standard of charges which shall control," and requires the Commission to conform thereto in fixing rates.

Mr. KEAN. When the Senator concludes, I will submit a few remarks on that subject.

Mr. ELKINS. Second. That any legislation attempting to fix rates would be unconstitutional whose practical effect is to deny to common carriers the right to invoke and obtain, in due time, the protection of the courts from being compelled to transport persons or property at rates which violate the carrier's constitutional rights.

In the light of the principles just stated an examination of the bill under consideration may be instructive.

DELEGATION OF POWER IN HEPBURN BILL.

The only standard of charges prescribed by the act to regulate commerce is the common-law standard that rates shall not be unreasonably and unjustly high. This standard is vague, but still it is a standard because it is a thing judicially ascertainable which the courts have always recognized it was their right and duty to ascertain in proper cases. For Congress to enact merely this standard and then confer upon an administrative tribunal the authority to make such changes in rates as are necessary to prevent those rates from being unreasonably high, would delegate a wide discretion and a tremendous power to such a tribunal. The power so delegated to the administrative tribunal would be the greatest power exercised by any administrative tribunal in the world.

Notwithstanding these considerations, it is probable that the courts would hold constitutional an act delegating to an administrative tribunal the power to change rates of interstate common carriers so far as might be necessary to prevent their being unreasonably high in violation of the common-law and statutory prohibition, because such act would furnish a judicially ascertainable standard of charges to control, and would require the administrative tribunal to conform to that standard. It is believed, however, that this is the furthest extent to which the courts would go in sanctioning a delegation of the rate-fixing power to an administrative tribunal. The Hepburn bill seems to go far beyond this point.

The bill does not require the Commission to conform to the statutory and judicially ascertainable standard; it does not provide that the Commission shall change rates only so far as to prevent their being unreasonably high. Such a limitation on the power of the Commission seems to be the thing sought to be avoided by the framers of the bill in its present shape, and its language shows an intention to confer power upon the Commission free from any such limitation.

The language of the bill seems designed to turn the entire subject of regulation, which is within the power of Congress, over to the discretion of the Commission. The Commission is given full authority to act not merely when rates in fact violate the law but whenever the Commission "shall be of opinion" that the rates are unjust or unreasonable.

They determine their own jurisdiction by their own opinion. Thus the Commission's opinion is sought to be made the sole basis of its jurisdiction. When the Commission thus chooses to act, it is authorized not merely to change rates so far as may be necessary to prevent their being unreasonably high, or, in other words, to make them conform to the statutory standard of lawfulness, but the Commission is given full authority to prescribe "what will, in its judgment, be the just and reasonable and fairly remunerative rate," that is final and not subject to review by the courts, without the order of the Commission violates some constitutional provision. Thus it is sought to make the Commission's "judgment" the sole limitation upon the Commission's authority, subject, of course, to the limitation of the carrier's constitutional rights; in other words, the Commission is authorized to change the rate just as far as Congress itself could change the rate. This turns over to the Commission all the discretionary power that Congress itself could exercise.

The introduction of the words "fairly remunerative" does not furnish a statutory standard of charges which is to control. And here I invite the attention of the Senator from Texas [Mr. CULBERSON] to what I am about to say touching the words "fairly remunerative." Nobody knows what the term really means, and it has never been regarded as a judicially ascertainable standard. As already pointed out, any rate between the maximum lawful rate as against the shipper and the minimum lawful rate as against the carrier may be regarded as fairly remunerative, for, if not fairly remunerative under all the circumstances, it would not seem to be the just compensation to which the carrier is entitled under the Constitution.

Moreover, the fact that one rate is fairly remunerative is perfectly consistent with the fact that five or six other rates for the same service may be also fairly remunerative. The Commission may be of opinion that each of five or six different rates would be "fairly remunerative;" consequently its choice between these rates would be a matter of arbitrary discretion.

Certainly the bill does not prescribe any "standard of charges which is to control" by introducing the words "fairly remunerative." These words do not and can not establish a legal standard for any purpose.

Under the act to regulate commerce a carrier has the right to charge the highest rate which is not unlawful, or, in other words, the maximum reasonable rate. This bill, however, carefully refrains from limiting the authority of the Commission to determining "the maximum just and reasonable rate," which is the only standard the act to regulate commerce prescribes, but, on the contrary, gives the Commission the right to fix any rate which in its judgment is a just and reasonable and fairly remunerative rate, and prescribes that that rate shall be the maximum.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Texas?

Mr. ELKINS. Certainly.

Mr. CULBERSON. I think the Senator from West Virginia is in error in stating that the present law authorizes the carriers to fix the maximum.

Mr. ELKINS. I did not say that.

Mr. CULBERSON. I understood the Senator to say so.

Mr. ELKINS. The bill, I say, does.

Mr. CULBERSON. I think the bill does not do that.

Mr. ELKINS. I think it does.

Mr. CULBERSON. The bill, as I understand it—and it is a matter to which I would be glad to have the Senator direct his attention—provides that the carriers shall fix just and reasonable rates. That ordinarily would be absolute rates. But the Commission is authorized to fix only just and reasonable *maximum* rates.

Mr. ELKINS. And fairly remunerative.

Mr. CULBERSON. And fairly remunerative.

Mr. ELKINS. In the bill?

Mr. CULBERSON. In the bill. I invite the attention of the Senator from West Virginia to this distinction between the character of rates fixed by the railroad companies and the character of rates which the Commission is authorized to fix in lieu of those fixed by the carriers; and I ask him if it does not at least create confusion?

Mr. ELKINS. I think, as I said before, the insertion of the words "fairly remunerative" in this bill in addition to the old law does produce confusion.

Mr. CULBERSON. But the Senator apparently does not catch the point. The point is this: The railroad companies are authorized to fix absolute rates, which must be just and reasonable. The Interstate Commerce Commission is only authorized to fix just and reasonable and fairly remunerative *maximum* rates.

Mr. ELKINS. I do not think this changes it materially, although one rule is laid down for the carriers and a different one as the standard for the Commission. My idea is that the Commission ought to have the power only to modify a rate made by the carriers to the extent of relieving it of unreasonableness, unlawfulness, and injustice. This is the power which I think the Commission should exercise and go no further, and it ought to be in this bill. Is not that satisfactory to the Senator from Texas? I listened to his speech with great interest.

Mr. CULBERSON. The rate provided by the bill is not at all satisfactory to me, and my constant reiteration of this question to Senators who have spoken is in that way to give notice to those in charge of the bill that in my judgment it must be amended in that particular.

Mr. ELKINS. I agree with the Senator that these words confuse the bill.

But to resume my argument: Thus a rate higher than the rate prescribed by the Commission might be reasonable and just and therefore entirely lawful under the act which Congress has passed; but Congress gives the power to the Commission to repeal this law *pro tanto* by fixing another just and reasonable rate lower than the maximum which is lawful, and making this lower rate thereafter the maximum.

Mr. FORAKER. I wish to ask the Senator from Texas if it is his opinion that we should confine ourselves to the words "just and reasonable rates?"

Mr. CULBERSON. I think that we should, because the meaning of that term is thoroughly understood, at least by the courts and by the profession and by that portion of the public which is specially interested in this question.

Mr. FORAKER. I only wanted to know whether the Senator had suggested any amendment to take the place of the words "fairly remunerative?"

Mr. CULBERSON. I suggest to strike out the words "fairly remunerative" and insert "just and reasonable."

Mr. ELKINS. I agree to that, but I am not in charge of the bill.

Mr. TILLMAN. I will agree to it.

Mr. ELKINS. Then we are agreed.

Mr. TILLMAN. On one thing.

Mr. ELKINS. Now, the Senator thought I said that disgrace attached to this bill. I do not think this bill is bad; it is a good bill in many respects and will do great good. That was a mere pleasantry. I said what I did because the Senator disclaims any paternity for his child. I withdraw the words. I think the framers of the bill have done a great deal of conscientious work on it, and I think the Senator from South Carolina himself is trying to make it a good bill. I only said that in jest, and I hope the Senator will take it that way.

Mr. TILLMAN. I accept the Senator's apology.

Mr. ELKINS. I should like the attention of the Senator from Texas.

The bill prescribes no standard of lawful charges which imposes that duty upon the carriers, yet it is proposed to give to the Commission the authority in its unguided discretion to reduce rates to that point if it chooses to do so. I think this answers the questions of the Senator from Texas. A clearer delegation of legislative power, uncontrolled by any standard established by the legislature itself, could not be imagined.

It may be contended that the courts will limit the authority of the Commission to changing rates so far only as may be necessary in order to prevent them from being unreasonably high, and in that way the courts will, by construction, confine the Commission to the only legal standard which the act to regulate commerce prescribes. It would seem clear, however, that the courts would not in this way revise the language used by Congress. In the Trade-mark cases (100 U. S., 82, 98) the Supreme Court said:

> While it may be true that when one part of a statute is valid and constitutional and another part is unconstitutional and void, the court may enforce the valid part, where they are distinctly separable, so that each can stand alone, it is not within the judicial province to give to the words used by Congress a narrower meaning than they are manifestly intended to bear, in order that crimes may be punished which are not described in language that brings them within the constitutional power of that body.

The question of such a delegation of power under the Federal Constitution is an entirely new question, upon which there is no controlling authority.

It is true the Supreme Court has held that the delegation of rate-making power to State commissions did not take the property of railroad companies without due process of law, contrary to the fourteenth amendment. In those cases, however, the Supreme Court did not undertake to decide whether the State statutes delegated a power to administrative tribunals, which under the State constitutions could only be exercised by the legislatures themselves. The question as to whether the Hepburn bill delegates to the Interstate Commerce Commission a legislative discretion will arise not under the fifth amendment, which prohibits the taking of property without due process of law, but out of the underlying principle of the whole Constitution that legislative power must be exercised by the legislative department of the Government. The question has never been passed upon or considered.

It should further be borne in mind that most, if not all, of the decisions relating to State constitutions will not even be persuasive authority with the Supreme Court of the United States to support the delegation of power attempted by this bill, because in many of the cases the State constitutions expressly contemplate the delegation of such a power, and in most, if not all, of the cases the delegation of power is made with limitations, more or less clearly expressed, which are entirely absent from the bill under consideration.

I wanted to introduce here some extracts from the Michigan tax case just decided, but I have been unable to get a copy of the decision, and I will not refer to it further because I have only seen the quotation in the papers. But it seems that it has a direct bearing upon conferring this power, which might be useful and instructive. I am indebted to the Senator from Wisconsin [Mr. SPOONER] for an extract from Judge Brewer's decision.

Mr. SPOONER. As published in the papers.

Mr. ELKINS. As published in the papers.

> In the nation no one of the three great departments can assume or be given the functions of another, for the Constitution distinctly grants to the President, Congress, and the judiciary separately, the executive, legislative, and judicial powers of the nation. It may, therefore, be conceded that an attempted delegation by Congress to the President or any ministerial officer or board of power to fix a rate of taxation or exercise other legislative functions would be adjudged unconstitutional.

I am much obliged to the Senator. I tried to get the decision, as I desired to put it in my remarks. I will let this go into my remarks. I could not get the decision in time.

Mr. ALLISON. The Senator will make his extract from the decision itself. I understand that there is some little discrepancy between the newspaper report and the decision.

Mr. ELKINS. I thank the Senator for the suggestion. I was afraid to take what I saw in the newspaper. I do not want to becloud the situation by a newspaper report.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. ELKINS. Certainly.

Mr. TILLMAN. I should like to ask the Senator if, in his judgment, in view of the extract which has been published in the papers purporting to declare it to be the opinion of the court that the three great departments of the Government must be kept separate, and that no one department shall exercise the functions of the other, the Constitution having explicitly placed in Congress the power to regulate commerce, would it not be a surrender of our functions or a usurpation by the judiciary of legislative functions if we can not fix rates, if we can not regulate commerce? In other words, the Senator from Wisconsin and others declare that it would be unconstitutional if we undertook to declare that a rate can be suspended, and therefore the judges are to come in and determine for themselves whether or not Congress has exceeded its authority, etc. Is it not an infringement of legislative power, a surrender of it, on our part if we do not do it, and a usurpation on the part of the judiciary if it assumes to do it?

Mr. ELKINS. I am coming to the question of the right of suspension, and I will discuss it. It is difficult, but I have a definite opinion on the subject.

With a few exceptions, all are agreed that some provision——

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Nevada?

Mr. ELKINS. I will. The Senator is a member of the committee.

Mr. NEWLANDS. Before the Senator goes to this new point, I should like to ask him a question regarding the subject which he has been discussing as to the delegation of power to the Interstate Commerce Commission. Assuming that the words "fairly remunerative" were stricken out and the power was given to this Commission to fix just and reasonable rates, does he regard that as fixing the standard which is to control the action of the Commission, or does he regard that expression as a complete delegation to the Commission of all the power that Congress has regarding the fixing of rates?

Mr. ELKINS. I answered that a while ago when the Senator was not in the Chamber. If Congress fixes a standard by which the Commission is to be governed, and then it is provided that the Commission shall go no further in changing a rate made by the carrier than modifying it to the extent of relieving it of its unreasonableness or injustice or unlawfulness, then that becomes a judicial question, which can be inquired into; but if Congress confers the power upon the Commission to fix what it considers a fair, just, and reasonable rate, in its judgment, that is final and conclusive, as much so as if Congress had said you shall fix a rate of 50 cents a ton.

Mr. NEWLANDS. Does the Senator regard that as a transfer from the legislative department to this administrative board of all the legislative power that Congress has on that subject?

Mr. ELKINS. No; I do not. If Congress should empower the Commission to say what in its judgment would be a fair and reasonable rate, then Congress delegates its legislative discretion, but if Congress confers power on the Commission to modify a rate made by the Commission only to the extent and so far as to relieve it of its unlawfulness, unreasonableness, or injustice, then this is not final, and Congress does not delegate all of its legislative power, and what the Commission may do can be reviewed by the courts.

Mr. FORAKER. The Senator a moment ago read from a newspaper clipping a part of what Mr. Justice Brewer said. In the decision to which he referred he omitted to read a part that I want to call attention to in this connection. I do not know that it will appear in the opinion as it is to be published by the

court, but it was published in the newspapers for some reason as a part of that opinion, and it is certainly good law.

Mr. TILLMAN. Does the Senator understand that the Supreme Court ever gives out an opinion that is different from the opinion it afterwards publishes?

Mr. FORAKER. I have no special understanding on the subject. I understand that the opinions of the court are prepared by some justice to whom that duty is assigned, and that after it has been prepared and printed it is submitted to his colleagues by the justice who prepared it before it is announced from the bench; and that they are in the habit when they consider it of revising it, if they think it should be revised. I understand that the opinion Mr. Justice Brewer delivered will be printed precisely as it was delivered from the bench, but——

Mr. TILLMAN. Undoubtedly, but I was just trying——

Mr. FORAKER. I have also learned in a roundabout way, simply from common talk—I do not know where it originated—that somehow or other the opinion as it was originally prepared by Mr. Justice Brewer before he submitted it to his colleagues was published in the newspapers. In some way it was given out not as it was delivered from the bench, but as he originally prepared it, and that, I believe, is all that anybody yet has.

Mr. TILLMAN. I was trying to find out whether is was the habit of the Supreme Court to ever give out an opinion in that way as a kind of press agency affair.

Mr. FORAKER. No, Mr. President, I understand it is not the habit of the court at all.

Mr. TILLMAN. I thought it was just the reverse; that nothing ever came from that court that was not authoritative and a finality.

Mr. FORAKER. I do not want the Senator to think that I would suggest for one moment that the court puts out anything except only that which the court does. We have some very enterprising newspaper men; men who sometimes get hold of things and publish them in their zeal, in the best of good faith, of course. In this case, if there was such a publication prematurely, I am quite sure it was not the intention of anybody that there should be——

Mr. TILLMAN. Is the Senator aware of this fact?

Mr. FORAKER. I do not know. I say——

Mr. HOPKINS. I desired to ask the Senator from Ohio a question, if he was about to read what purports to be the opinion of the court, as to whether it would be entirely fair to the court, inasmuch as there is a question as to what the court has actually said on that subject, to put in the RECORD what the newspaper says the court said?

Mr. FORAKER. I will say, in answer to the Senator from Illinois, that the Senator from West Virginia a few moments ago read a part of it. I thought if any of it was read it might as well all go in.

Mr. ELKINS. I withdrew it.

Mr. FORAKER. If the Senator has withdrawn it, I do not care about it.

Mr. ELKINS. I withdrew it because I want to get the correct opinion from the clerk of the court.

Mr. CULLOM. The Senator will put in his speech the correct opinion?

Mr. ELKINS. I will put in the correct opinion of the court in my remarks if I get a copy in time.

JUDICIAL REVIEW UNDER HEPBURN BILL.

With few exceptions all are agreed there should be some provision in the Hepburn bill definitely providing for a review by the courts of the orders of the Commission. The denial of a review by the courts of the orders of the Commission is new and has come about only during this last session of Congress.

In his last two messages the President favored a review of the orders of the Commission by the courts. There have been introduced in the House and Senate during and since 1905 twenty bills on the subject of rate legislation, and all save one provide in some manner or other for review of the orders of the Commission by the courts. Sixteen States legislating on the subject have also provided for court review. The difficulty is just what is the best way to prescribe the terms of this review by the courts. For my part I think a review by the court of the orders of the Commission necessary to make the bill constitutional; beyond this I am not wedded to any particular form or wording of the same. It is contended by some of the advocates of the bill and denied by others that the carrier will have thereunder ample opportunity to prevent the invasion of his constitutional rights; that it is unnecessary to make any express provision for judicial review, and that the right to such review is clearly recognized by the language of the bill.

The only expressions in the bill which can be construed as a recognition of the right in the carrier to obtain a judicial review of an order of the Commission fixing a rate are the following:

> Such order shall go into effect thirty days after notice to the carrier, and shall remain in force and be observed by the carrier unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction.
> * * * The orders of the Commission shall take effect at the end of thirty days after notice thereof to the carriers directed to obey the same unless such orders shall have been suspended or modified by the Commission or suspended or set aside by the order or decree of a court of competent jurisdiction. * * *
> The venue of suits brought in any of the circuit courts of the United States to enjoin, set aside, annul, or suspend any order or requirement of the Commission shall be in the district where the carrier against whom such order or requirement may have been made has its principal operating office.

The expressions quoted do not confer any jurisdiction upon any courts to entertain proceedings by the carrier to set aside the orders of the Commission, but simply refer to such jurisdiction, if any, as may already exist in the courts. It is so well settled as to need no citation of authorities that the circuit courts of the United States can exercise only such jurisdiction as is conferred upon them by Congress. The only grant of jurisdiction to the circuit courts of the United States which could possibly cover a suit to set aside an order of the Commission is section 1 of the act of March 3, 1875, the material part of which reads as follows:

> That the circuit courts of the United States shall have original jurisdiction, concurrent with the courts of the several States, of all suits of a civil nature at common law or in equity where the matter in dispute exceeds, exclusive of interest and costs, the sum or value of $2,000, and arising under the Constitution or laws of the United States.

Thus a circuit court of the United States can not by any possibility have jurisdiction of any proceeding to set aside an order of the Interstate Commerce Commission where the matter in dispute does not exceed, exclusive of interest and costs, the sum or value of $2,000. Under the bill the orders of the Commission are to remain in force only three years. It is entirely possible that an order of the Commission may be a palpable violation of the constitutional rights of the carrier, and yet the loss thus wrongfully inflicted will not equal in three years the sum or value of $2,000. As to every such case it is plain that there is no jurisdiction whatever in the circuit court of the United States to grant relief to the carrier. Of course, a carrier wrongfully threatened with a loss of $1,000 is as much entitled to relief as one wrongfully threatened with a loss of $100,000.

It will be observed, moreover, that if the circuit courts of the United States have jurisdiction of proceedings to set aside orders of the Commission the courts of the several States have exactly the same jurisdiction. This is expressly recognized by the language of the statute which is quoted. That this is true is made plain by the reasoning of the court in Plaqueminas Freight Company *v.* Henderson (170 U. S., 511) and cases there cited.

If, therefore, the jurisdiction exists in the Federal courts to entertain proceedings to set aside orders of the Commission, such jurisdiction equally resides in the State courts and is exclusive in the State courts where the matter in dispute does not exceed, exclusive of interest and costs, the sum or value of $2,000. Of course such a proceeding in the State courts may be removed by the defendants to the circuit court of the United States in any case where the amount involved is sufficient to give the latter court jurisdiction.

This is an anomalous situation as to jurisdiction to set aside orders of the Commission which ought not to exist. If Congress intends the carrier to have any judicial protection an explicit grant of jurisdiction in the Federal courts should be provided, and for convenience should be confined to the Federal courts.

But even if a jurisdiction does reside in the State and Federal courts, as just pointed out, to entertain proceedings to set aside orders of the Commission, the further question remains, Against whom can such proceedings be instituted? Where is the defendant who can be made to respond and required to afford the relief to which the court may determine the carrier is entitled? The bill does not authorize the Commission to be made a defendant in such a suit. A suit against the Commission would be open to the objection that the suit was in effect against the Government of the United States. In Smyth *v.* Ames (169 U. S., 466–518), it was said:

> It is the settled doctrine of this court that a suit against individuals for the purpose of preventing them, as officers of a State, from enforcing an unconstitutional enactment to the injury of the rights of the plaintiff is not a suit against the State within the meaning of that amendment (that is, the eleventh amendment).

It may be assumed that the same rule would apply to a suit against officers of the United States as is thus applied to suits against officers of a State. Therefore, in order to justify a suit against the Interstate Commerce Commission, it would be neces-

sary to show that the Commission was upon the point of enforcing an unconstitutional enactment to the injury of the rights of the plaintiff. Under this bill, however, the primary method of enforcing the orders of the Commission is by heavy forfeitures, which are recoverable by civil suits in the name of the United States, and it is made the duty of the various district attorneys, under the direction of the Attorney-General, to prosecute for the recovery of such forfeitures. To a suit against the Commission it might therefore very well respond that it had no intention of enforcing the order in question, and that the only purpose of the suit was to have an adjudication upon the constitutionality of an order having the effect of law, and that so far as the defendant was concerned this was a mere abstract question. As it is implied in the language of Smyth *v.* Ames, above quoted, that the only jurisdiction is for the purpose of preventing enforcement of the order by the defendants, it is not improbable that such a response would defeat the jurisdiction entirely. It is therefore a question of grave doubt as to whether the courts could entertain a proceeding against the Commission to set aside one of its orders.

Mr. PATTERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Colorado?

Mr. ELKINS. I wish the Senator would excuse me.

Mr. PATTERSON. I know you are tired.

Mr. ELKINS. Yes; I yield.

Mr. PATTERSON. The Senator is discussing a part of a controversy that is really the only controversy that seems to be occupying the attention of the Senate at this time, and that is the language that will be used in providing for the right of review. There seems to be no longer any controversy on the part of Senators as to the necessity for such a measure or as to the power of Congress to delegate within certain limits the power of rate making to a Commission, and the necessity for doing so. There seems to be a consensus of opinion that there is a right, to a limited extent at least, in the Supreme Court or in other courts to review the action of the Commission. The only controversy now seems to be over the language that will be used in providing for court review. Has the Senator from West Virginia concluded in his own mind what the wording should be or within what limitation the right of review should be kept?

Mr. ELKINS. I have reached a conclusion, but I can not get it put in the bill. I think it can be done by Congress prescribing a standard that the rate should be just and reasonable, and authorizing the Commission, if it should find that the rate made by the carrier is not just and reasonable, then it shall have power to modify the rate to the extent of relieving the rate of its injustice, unreasonableness, or unlawfulness.

Mr. PATTERSON. No; but then——

Mr. ELKINS. I have concluded—I think it can be done by Congress prescribing a standard that the rate should be just and reasonable, and authorizing the Commission, if it should find that the rate made by the carrier is not just and reasonable, then it shall have power to modify the rate to the extent of relieving the rate of its injustice, unreasonableness, or unlawfulness.

But able lawyers say that if the words "laws of the United States" are added to the amendment offered by the Senator from Kansas [Mr. LONG] that would be all that is necessary to authorize a broad review of the orders of the Commission.

Mr. PATTERSON. I suppose the Senator has recognized that there are two schools in this body, if I may use this term, upon the question of the power to be conferred upon the court—one the conferring of broad, unlimited power, the other confining the decision and the operations of the court within a very narrow scope. Does the Senator belong to the broad gauge or the narrow gauge on that question?

Mr. ELKINS. I wish simply to say that, in my opinion, every material right or interest of a carrier, shipper, or locality affected by an order of the Commission should be entitled to a review by the courts.

Mr. PATTERSON. Does the Senator take into consideration the fact that these rates are to be made or changed by a commission of experts, selected by the President, ratified by the Senate, receiving high salaries, men who, in all human probability, therefore, ought to be presumed to be honest, able, and skilled in the work they are to do, or does he place the work of such a commission upon the plane of the acts or doings of private individuals without law or other obligation beyond that which surrounds every citizen in the acts that are done?

Mr. ELKINS. I think I have answered that fully.

Mr. SPOONER. Will the Senator from West Virginia let me ask the Senator from Colorado a question?

Mr. ELKINS. Certainly.

Mr. SPOONER. Does the Senator think it competent for Congress to make the finding of the Commission as to a rate conclusive because it is a high-salaried body, or for any other reason?

Mr. ALDRICH. And appointed by the President.

Mr. PATTERSON. No; I suppose not. I suppose the court——

Mr. ELKINS. If the Senator from Colorado will excuse me I will go on.

It may be remarked in passing that if the circuit court of the United States can entertain such proceeding against the Commission then the State courts can equally entertain such proceeding whenever the Commissioners are within the territorial jurisdiction of the State courts. As the Commission travels from place to place and all its members are frequently at points in the various States it is entirely possible that suits could thus be instituted in a State court and jurisdiction of the Commission obtained by actual service of process on all its members within the limits of the State. This is an anomalous condition which Congress should certainly avoid.

Even if the courts, State or Federal, should entertain jurisdiction of a suit against the Commission to set aside an order of the Commission, it is clear that the only relief which could be asked would be against the Commission, for in such a suit only the Commission could be enjoined from enforcing the order. A decree in such a suit would not be binding upon the Attorney-General or the district attorneys, who would not be and who could not be made parties to such a suit; nor would such a decree be binding upon any courts of law in which the district attorneys, under the direction of the Attorney-General, might see fit to prosecute for the recovery of the forfeitures denounced by the act against the carrier which fails to obey the order of the Commission. It would seem clear, therefore, that the relief which could be obtained in a suit against the Commission, even if such suit could be maintained, would be utterly inadequate. It could not constitute a legal protection to the carrier.

No suit could be brought by the carrier to restrain the Attorney-General and all the district attorneys from prosecuting to recover the forfeitures for the carrier's failure to observe the order. Such a suit would be a suit against the United States. This proposition is clearly illustrated by the case of Fitts *v.* McGhee (172 U. S., 516), where the court held that a suit against the prosecuting officers of the State of Alabama, to enjoin their proceeding to recover penalties denounced for failing to observe the tolls established by the legislature for the use of a bridge, was a suit against the State, of which the court had no jurisdiction. The court therefore declined to pass upon the validity of the act or to entertain the suit for any purpose whatever.

The result is that no procedure is possible under the bill whereby the carrier may initiate any proceeding in which it can obtain adequate relief against an order of the Commission. Of course the carrier can not be compelled to observe a rate which violates the carrier's constitutional rights, but apparently the only way in which the carrier can avail itself of the constitutional protection is simply to refrain from charging a rate which the Commission orders it to charge, and when proceedings are instituted against the carrier to recover the forfeitures denounced by the act for its disobedience of the order to defend these proceedings by showing that the order is unconstitutional. As these penalties are $5,000 for each offense, and as each shipment will constitute a separate offense, the carrier, by adopting this course, would incur in the course of two or three weeks the risk of penalties far greater than the total loss it would sustain if it complied with the Commission's unlawful order. This, of course, amounts to an effort to intimidate the carrier, and these penalties, if constitutional, will have the effect of coercing the carrier into charging a rate fixed by the Commission rather than incur the risk of the enormous loss which would result from refraining from charging the rate for the purpose of inviting a proceeding in which it could contest the constitutionality of the order.

Even if the carrier could avoid the risk of cumulative penalties by refraining from charging the rate fixed by the Commission, and would incur the risk of only one penalty, yet it is clear that a civil suit to recover this penalty would be an inadequate method of determining the constitutionality of the right. Such an action would be triable at law and by a jury. The questions involved are so complicated as to make it utterly impracticable for a jury to pass intelligently upon them. Probably no two juries would entirely agree as to the effect of the proof introduced as to the illegality of a given rate. As was said in Smyth *v.* Ames (169 U. S., pp. 466–518):

> Only a court of equity is competent to meet such an emergency and determine once for all and without a multiplicity of suits matters that affect not simply individuals, but the interests of the entire community,

as involved in the establishment of a public highway and in the administration of the affairs of the quasi-public corporation by which such highway is maintained.

If it be contended that on account of all these difficulties which lead to the conclusion that no adequate judicial review exists, the court will therefore construe the expressions of the bill above quoted, which refer to a court setting aside the order of the Commission, as impliedly granting a jurisdiction to the circuit courts to entertain proceedings in equity against the Commission and to give in such proceedings adequate relief and suspend or set aside the order of the Commission so as to prevent action thereon, not merely by the Commission but by the attorneys of the United States as well, the answer, in the first place, is that any such construction would be a case of judicial legislation; and in the second place, that if it is the intention of Congress to provide an adequate remedy in equity to deal with this situation there is not the remotest excuse for refusing to say so and for trusting that the courts will transcend their proper authority by saying Congress meant what it studiously refrained from declaring.

The bill seems to indicate clearly the intention of Congress that the courts shall not even pass upon the constitutionality of the order of the Commission. The only judicial proceeding expressly authorized to which the Commission is to be a party is a suit by the Commission to compel the enforcement of its order. This is an additional remedy to the civil suits by the district attorneys to recover the forfeitures. This proceeding is obviously an equitable proceeding, because the court is authorized therein to issue writs of injunction to compel the carrier to obey the Commission's order. A court in construing the bill would certainly be impressed with the fact that in this, the only instance where Congress undertook to confer a jurisdiction upon the United States circuit court sitting in equity to deal with an order of the Commission, the only two points which Congress authorizes the court to consider are, first, Was the order regularly made and duly served? and, second, Is the carrier in disobedience of the order? The court is not authorized by the jurisdiction granted to pass upon the further question whether the Commission's order violates the constitutional rights of the carrier.

If, therefore, the expressions quoted above wherein the act refers to suspending or setting aside an order of the Commission imply the creation of any jurisdiction, will not the courts construe the act as a whole and reach the conclusion that Congress merely intended that the orders of the Commission might be set aside, enjoined, or suspended only on the grounds which would justify the court in refusing to enforce the order at the instance of the Commission, to wit, that the order was not regularly made or duly served?

The conclusion to be drawn from these considerations is that no judicial review is provided for by the bill and it therefore evinces a purpose to prevent the carrier from obtaining such a review and to intimidate the carrier by the imposition of enormous and overwhelming penalties into observing the Commission's order, whether right or wrong. If this conclusion is justified, then it must follow either that the scheme of rate fixing provided for by the bill must fail, or at least the whole scheme of penalties must fail, leaving the orders of the Commission to be enforced only by suits in equity brought by the Commission, in which suits the courts will have to pass upon the lawfulness of the orders before they can take effect at all. The situation certainly calls for an amendment clearly giving an adequate judicial review.

I will conclude in a few minutes on the character and extent of this review. I have been asked by the Senator from Colorado on that particular point, and I tried to answer as briefly as I could.

CHARACTER AND EXTENT OF REVIEW.

Assuming that an express provision for judicial review is to be made, the important question remains, What shall be the character and extent of that judicial review?

It would seem clear, under the bill grant of power to the Commission, that the intervention by the Commission is absolutely dependent upon the will and discretion of the Commission down to the point where the carrier's constitutional rights are invaded. This, as already pointed out, delegates to the Commission, without any legal standard to control it, the full discretionary power which could be exercised by Congress itself. If such grant of power is not unconstitutional, it results that practically arbitrary power is given to the Commission over the property rights of the owners of the railroads and over the interests of all the people dependent upon the railroads, and, to a large extent, over the interests of shippers and localities, which will be vitally affected by the changes which the Commission can and will make in the relative advantages of competing localities. This would give the Commission a power as arbitrary as any Congress could exercise, and it would be wholly free from the constitutional checks which are designed to prevent arbitrary action by Congress.

The action of Congress is subject to veto by the President, but there is no veto power upon the action of the Commission. The creation of such arbitrary power is wholly unnecessary to the correction of any evil which has been developed. The possibilities of political and sectional strife growing out of its exercise are of the gravest character. Every consideration of justice and expediency demands a more conservative course. The Commission itself should be protected from the temptation of an exercise of such power which will surely come if it realizes that it has been given this authority without any control by the courts until the point is reached where the constitutional rights of the carrier are invaded.

Another very serious consideration, which has an important bearing upon the question of judicial review, is this: Under the power granted in the bill it is assumed the Commission will not undertake to change an entire schedule of rates by a single order. It will change a few rates by one order and a few more rates by another order. It is extremely doubtful, in view of recent decisions of the Supreme Court, as to when an order dealing with only one or a few rates of a carrier can be regarded as violating the constitutional rights of the carrier. This is strikingly shown by the case of Minneapolis and St. Louis R. R. Co. *v.* Minnesota (186 U. S., 257), a portion of the syllabus of which reads as follows:

A tariff fixed by the Commission for coal in carload lots is not proved to be unreasonable by showing that if such tariff were applied to all freight the road would not pay its operating expenses, since it might well be that the existing rates upon other merchandise, which were not disturbed by the Commission, might be sufficient to earn a large profit to the company, though it might earn little or nothing upon coal in carload lots.

In this connection it is wise to consider the language of the Supreme Court in the case of San Diego Land Co. *v.* National City (174 U. S., 739, 754):

But it should also be remembered that the judiciary ought not to interfere with the collection of rates established under legislative sanction, unless they are so plainly and palpably unreasonable as to make their enforcement equivalent to the taking of property for public use without such compensation as under all the circumstances is just both to the owner and to the public; that is, judicial interference should never occur unless the case presents, clearly and beyond all doubt, such a flagrant attack upon the rights of property under the guise of regulations as to compel the court to say that the rates prescribed will necessarily have the effect to deny just compensation for private property taken for the public use.

Such decisions as these strikingly illustrate the tremendous margin of discretion conferred upon the Commission under any system which leaves to judicial review solely the question whether the constitutional rights of the carrier have been violated.

In order to insure a judicial review which will adequately protect the property and interests involved, and which will operate as a conservative influence over the Commission itself, it is important for the act to define the Commission's jurisdiction and make it depend not upon the Commission's opinion, but upon the facts, and for the act to show that the Commission shall make no greater change than is necessary to prevent rates from being unreasonably high. This can be accomplished by authorizing the Commission to change rates only when the existing rates are unjust and unreasonable, and only so far as may be necessary to remove such injustice and unreasonableness. In this way it clearly becomes a judicial question for the court to determine whether the Commission has exceeded its jurisdiction, and if the Commission has exceeded its jurisdiction its order can be set aside. There is no other way in which Congress can make sure that an adequate judicial review can be provided.

While such provision would probably insure a fairly adequate judicial review, it would still be true that the Commission would possess a very substantial discretion. The courts would not interfere except where the Commission was clearly in the wrong. The carriers would realize that they could get no relief, either temporary or permanent, from the court unless they could show a clear case of abuse of discretion.

One further point to be considered is as to the suspension of the Commission's order pending final determination by the court, provided the court is of opinion that the order should be so suspended. It has been asserted with great confidence that Congress has absolute power to determine all details of jurisdiction and procedure by the Federal courts, and therefore to provide that the Federal courts shall not grant interlocutory injunctions or temporary restraining orders with respect to the rate-making orders of the Commission.

It is indeed a very serious question whether Congress, after

it has invested a court of equity with jurisdiction over a given subject-matter, can then trim down that jurisdiction so that it can be exercised only on final hearing. I think the Senator from Wisconsin [Mr. SPOONER] in his very able argument made this very clear, and I do not know but that he used the very words "trimmed down," though I think he said "cut down." But this is a question entirely unnecessary to consider at this time. If it be conceded that under Article III of the Constitution, dealing with the judicial power of the United States, Congress can, in the way proposed, prohibit the courts from granting interlocutory injunctions or temporary restraining orders in proceedings to review rates made by the Commission, this throws absolutely no light upon what can and can not be done under the fifth amendment to the Constitution. If, by reason of the fifth amendment, it is a deprivation of property without due process of law or a taking of property without just compensation for Congress to compel a carrier perpetpually, or for three years, to carry freight for nothing or at less than the compensation which the courts may regard as meeting the constitutional requirements, certainly it is equally unconstitutional to take the property of the carrier in exactly the same way for six months, or three months, or three days.

If Congress, by the provision of heavy penalties, coerces a carrier into temporarily observing an unconstitutionally low rate and thereby in effect temporarily takes the carrier's property without due process of law or without just compensation, or if the result is accomplished, not by heavy penalties, but by depriving the carrier of any right to obtain temporary relief from the courts, there is unquestionably a palpable violation of the fifth amendment to the Constitution, and any act which has this effect would seem to be necessarily unconstitutional. This question would be in no wise affected by the entirely different question whether such action of Congress was or was not a violation of the provisions of Article III of the Constitution relative to the judicial power.

It should be remembered that whenever a carrier is compelled to carry freight for less than the rate which under the Constitution the carrier has the right to charge the loss thereby sustained by the carrier is absolute and irreparable. The observance of a given order might, for example, impose upon the carrier an average loss of $100 every week when compared with the lowest rate which the carrier could be constitutionally required to charge. This would be a loss of approximately $15,000 in the three years during which the order of the Commission was required to remain in effect. It is simply a contradiction in terms to say that the carrier has a constitutional right to be protected from this loss of $15,000 in three years, but no constitutional right to be protected from the loss of $100 per week for the six weeks or six months or twelve months which must intervene before the carrier can obtain a final determination by the court. The thing that is protected is the use of the carrier's property. The use for a single day is protected just as much as the use for three years. If the bill provided that the orders of the Commission should remain in effect only ten days, the carrier would still be as clearly entitled to judicial protection as it is where the order is to remain in effect for three years, and the case is of a character where the judicial protection must be had before the rate takes effect, because just as soon as the rate does take effect the irreparable loss begins, and where the rate is unconstitutionally low the unwarranted taking of the carrier's property without due process of law and without just compensation begins.

Mr. President, this great debate, which will stand in history as a monument to the ability and conservatism of the Senate, participated in by some of the ablest and most distinguished Senators who have ever adorned this illustrious body, and which has so instructed and illumined the country, has been for the most part along legal lines. In what I have said I have tried in a brief way, imperfect as it may be, to bring to the attention of the Senate and the country some of the practical workings of the bill. I realized, however, that no treatment of this great question, perhaps the most important economic question ever presented to the Senate, could omit some discussion of the legal principles involved. I felt that the subject had been almost exhausted, and I ventured with some hesitancy and much diffidence to follow the great speeches that have been made, knowing that I must touch upon some of the points which have been so ably discussed with more knowledge and far more ability than I possess.

Mr. GAMBLE obtained the floor.

Mr. KEAN. Mr. President, does the Senator propose to address the Senate on the pending bill?

Mr. GAMBLE. I do.

Mr. KEAN. Then I give notice that I shall submit some remarks on the pending bill after the Senator shall have concluded.

Mr. GAMBLE. Mr. President, it is not my purpose to detain the Senate with an extended discussion of the questions raised by the pending bill. The issues involved have already been most ably and exhaustively discussed. I trust I may not seem too presumptuous in asking the indulgence of the Senate, or in the observations I may make upon this most important subject.

In the discussion so far, it appears to be conceded that abuses have existed and do exist in railway management, and that an intelligent and honest effort should be made looking to their correction. Differences, however, do exist as to the remedies proposed and the manner under constitutional limitations in which these evils may be lawfully and most effectively reached.

That the Government possesses the plenary power, and that it can in some manner lawfully exercise it, it seems to me is beyond dispute. The form and manner of its exercise under the Constitution can, it occurs to me, be solved by the wisdom of this Congress along the lines proposed by the pending measure. The issue has been raised, and its wise and just solution is pressed upon this Congress. The interest of the people is so centered and insistent for the correction of the abuses complained of, an answer should be given by the enactment of a law at this session of Congress that will be responsive to the demand and that will effectively reach and to the fullest extent remove the evils that admittedly exist. No demand is made here for radical action or to make an unjust and unreasonable assault upon vested interests or property rights. It is to place in the concrete form of law, and to invoke only the lawful exercise of those powers inherent in every government for the protection of its citizens engaged in whatever calling, to give each an equal opportunity, and for the upbuilding and conservation of individual interests and communities as well as for the whole people of the entire nation.

The necessity for the proposed legislation is urgent and is demanded by the highest consideration of every public interest in behalf of the producing as well as the consuming classes of our population. Every interest of our people is dependent upon and interwoven with the problem of transportation. In this day and age every individual is affected by it. Every community is within its reach, and its transportation facilities and the rates charged make for its upbuilding or its undoing. The just and proper control and regulation of these great agencies of our business and commercial life means the giving of equal opportunity to the individual as well as to the community, with proper regard in the latter case to natural and commercial advantages.

The proposed legislation, with its honest observance by the carriers, would, I believe, produce substantial and wholesome results to our entire business and commercial interests and would promote in a large degree the uniform prosperity and well-being of the nation. The enormous powers possessed by these great corporations, and the great public agencies they subserve, affecting practically the market value of all products of whatever character and the values and interests of every locality and individual, make it of the highest importance to every interest of the people and of the nation that the power of the Federal Government should be recognized in effective regulation and control, so that these great instrumentalities for our commercial and material development may in the highest degree serve the purpose of their creation. While fair treatment and exact justice are sought for the people the same consideration should be accorded the carriers.

All recognize the vast interests involved, and of its interrelation with the whole fabric of our business and commercial life. A proposition that has to deal directly with the property rights of such vast magnitude and the correlated interests of the whole people of our entire country has had and will have the most serious consideration for its wise and just solution. A wrong done the transportation companies would have a direct, immediate, and like result upon the business interests of the country.

Their interests are so vast and their annual transactions so great they almost pass the limit of our comprehension. Of the railway mileage of the world, 550,000 miles, we possess 220,000, or two-fifths of the total. The gross earnings the past year amounted to $2,100,000,000. There are engaged in the railway service 1,300,000 employees. The wages paid those engaged in the railway service for the year 1904 were $817,598,810. The total valuation of the railways amounts to $11,250,000,000. The dividends declared and paid the past year were $230,000,000. The number of passengers carried by the railways for the year ending June 30, 1904, was 715,000,000, and they transported 1,309,000,000 tons of freight.

We are bewildered almost by the recital of these general

statements. Aside, however, from their magnitude, how manifold and infinite are their transactions with the millions of individuals they serve and the communities they reach.

The railways have been most important factors in our economic and material development. The marvelous development of our interior, not accessible to water communication, has been made possible by the projection of the great arteries of commerce with infinite interlacing reaching from ocean to ocean. In many cases they preceded the settler. They extended into new and vast areas of our domain and made possible the rapid and marvelous growth of our material wealth, the acquisition to our strength as a people and to our integrity as a nation. With very much truth it has been said that—

Without the railroads three-fourths of the immense territory of the United States, situated too far from the sea and having insufficient communication by rivers or lakes, would be still almost deserts and would not play in the economic life of the world a more important part than Siberia did before being lifted from her isolation by the Trans-Siberian Railroad.

The States as well as the Federal Government have been most generous in their treatment of the railway corporations in the powers conferred through their charters as well as by direct grants. The control of these corporations both by the States and the General Government has, as a rule, been extremely lax. In the very nature of things, under the great stimulus of our marvelous development and with the concentration of such vast capital in the construction of railways and of the rivalry and competition thus engendered, abuses would develop seriously effecting the public welfare.

Many of the States sought to correct the evils, but State laws could only have application to a very limited amount of traffic, and it was found, if an efficient remedy was to be applied, recourse must be had through the Federal Government. The popular demand was so strong for the correction of the evils complained of that it finally resulted in the enactment of the interstate-commerce act of 1887. That this law has been productive of much good to the business and commercial world is not denied. It asserted the power of control by the Federal Government, that was a long step in advance. The position then taken by Congress, when that act was under consideration, was as vigorously and persistently resisted by the railways as the measure we now have before us. Dire results were prophesied then as now as to the effect of the proposed law on the interests of the railways and the business world.

The Interstate Commerce Commission construed the act of 1887 as granting to the Commission the power to fix rates for the future. The Commission exercised the power under the act. That construction, or the exercise of the power thereunder by the Commission, was not questioned by the railways for over ten years. As sustaining this, I quote the following from the annual report of the Commission for the year 1897:

The Commission exercised this power in a case commenced in the second month after its organization and continued to exercise it for a period of more than ten years, during which time no member of the Commission ever officially questioned the existence of such authority or failed to join in its exercise. As already stated, the authority of the Commission to modify and reduce an established rate and to enforce a reasonable rate for the future was not questioned in the answer of the defendant in the Atlantic Rate case, decided March 30, 1896, nor had it ever been denied in any answers made in more than four hundred previously commenced, many of them alleging unreasonable and unjust charges, and praying the Commission to enforce a reduction and lower the rates in the future.

Notwithstanding this legislation, and the power exercised under it by the Commission in fixing rates, and the explicit declaration by the Supreme Court of the United States that although the power was not conferred in the act yet Congress had power to exercise it, either directly or through a Commission, no dire results have befallen the railways, but instead it has been the era of their most marvelous prosperity and development, the like of which no other country or time can compare.

Mr. President, I do not have any misgivings as to the effect of the proposed legislation on railway property or railway interests. It has been apparent to anyone at all conversant with the conditions existing for the past year and upward that Congress would take cognizance of the question and that legislation along the lines proposed in the pending bill would be enacted. Notwithstanding this railway securities have in no way been depressed, nor have investments been discouraged therein. At no time in the history of the Government has there been greater confidence in these properties. Unusual investments have been made in betterments, in extensions, and in general railroad development. The literature published and sent broadcast by the railway interests to resist any and all legislation upon the subject has been appalling. The fears expressed and prophesies made as to the harmful effect of the proposed legislation does not seem to impress itself, so far, upon either the investments or the properties, or to discourage further development and extensions.

The demand for relief from the abuses complained of and which are sought to be corrected by this bill has been most insistent for many years. The need for correction has been admitted in this discussion. The declaration of the President in his annual message to Congress in 1904 very clearly stated the issue, as follows:

While I am of the opinion that at present it would be undesirable, if it were not impracticable, finally to clothe the Commission with the general authority to fix railroad rates, I do believe that, as a fair security to shippers, the Commission should be vested with the power, where a given rate has been challenged and after full hearing found to be unreasonable, to decide, subject to judicial review, what shall be a reasonable rate to take its place, the ruling of the Commission to take effect immediately, and to obtain unless and until it is reversed by the court of review.

It is upon this question the issue has been concentrated, both here and by the people. If relief is to be secured, it seems to me it can only come along the lines suggested and in the manner proposed by the pending bill. The issue was again stated and the necessities therefor were fully set out in the President's message of December last. By his decisive stand on this most absorbing question he has focused the attention of the whole country. No other subject so absorbs public attention at this hour.

In his message of 1905 the President again recommended conferring the power upon a competent administrative body to decide upon a case being brought before it, and after a full hearing if the rate then in force was found to be unreasonable and unjust "to prescribe the limit of rate beyond which it shall not be lawful to go—the 'maximum reasonable rate,' as it is commonly called—this decision to go into effect within a reasonable time and to obtain from thence onward, subject to review by the courts."

It is seen the President, both in the message of 1904 as well as in his message of 1905, took the position that the decisions made by the Commission should be subject to review by the courts.

No other construction, it seems to me, can be predicated upon the provisions of the pending bill. Differences, however, are entertained as to the extent to which the courts may be appealed to under its provisions.

It is asserted, however, with great force that the evils complained of can be corrected and the relief secured through the courts as already constituted with supplemental legislation in aid of the Elkins law. This in itself is an admission of the necessity for additional legislation and that the laws now in force are ineffectual to reach existing conditions.

The courts now are and have been open to litigants. But it must be conceded that the remedy is practically ineffective and largely abortive. The parties to the contest are unequal. The facts are largely in the possession of the railway company. Too often the shipper is practically at the mercy of the carrier. He hesitates to initiate a contest, fearing as a result the burdens upon him may be made more onerous. The amount involved as to the particular complaint may not be large, and he hesitates to enter into a contest that often concerns the community as well as himself, and he alone assume the responsibilities. The preferences given to a competitor may in itself be sufficient to overcome him and he is practically helpless. The delays incident to the litigation as a rule are so great that the relief, if secured, might be valueless under changed conditions.

That power is vested, and should be vested, somewhere in our governmental machinery to correct abuses and to control these great agencies of our commercial and business interests for the benefit of the whole people must be conceded. That the courts have proved ineffectual and must, it occurs to me, under any scheme, be ineffectual to reach and correct the evils with that promptness and efficiency the very nature of the relief sought demands can not be answered. I do not make this as a charge against the integrity or competency of our courts. The character of the investigations to be made, the multiplicity of related facts to be considered, and with the time taken and the delays incident to court procedure make it, in the very nature of the case, impossible to secure the relief desired with that dispatch and promptness the business and interests demand.

The Constitution vests in the legislative department of the Federal Government the power to regulate commerce between the States:

The Congress shall have power * * * to regulate commerce with foreign nations and among the several States and with the Indian tribes. (Sec. 8, Art. I.)

The power thus granted to Congress to regulate commerce carries with it the power to prescribe the rule by which it shall be governed and the conditions upon which it shall be conducted. This rule has at different times been declared by the Supreme Court of the United States.

This power to regulate applies to the subject of commerce as well as to the instrumentalities of commerce. It applies not

alone to its regulation in these respects, but to the compensation for the service rendered. In the case of Philadelphia Steamship Company *v.* Pennsylvania (122 U. S., 338) it was held:

The very object of engaging in transportation is to receive pay for it. If the regulation of the transportation belongs to the power of Congress to regulate commerce, the regulation of fares and freights receivable for such transportation must equally belong to that power.

The principle contended for was asserted and established by the courts of England more than a century ago. Chief Justice Waite, in the case of Munn *v.* Illinois (94 U. S., 113), gives a most interesting statement as to the rule under the common law and the development of the principle in that country both through legislation and the courts. He quotes a very suggestive preamble from a statute passed as long ago as the third year of the reign of William and Mary, as follows:

And whereas divers wagoners and other carriers, by combination amongst themselves, have raised the prices of carriage of goods in many places to excessive rates to the great injury of the trade: Be it therefore enacted, etc.

Legislation to correct the evils complained of appears from the recital of the facts to have been necessary even at that time, and the principle was sustained by the courts of England. The principles laid down by the Chief Justice in the above case were of the utmost importance, and the assertion of the power of public control over the subject-matter involved by that great court, though at that time divided, has since been acquiesced in and followed. It was held in this case:

1. Under the powers inherent in every sovereignty a government may regulate the conduct of its citizens toward each other, and, when necessary for the public good, the manner in which each shall use his own property.

2. It has, in the exercise of these powers, been customary in England from time immemorial and in this country from its first colonization to regulate ferries, common carriers, hackmen, bakers, millers, wharfingers, innkeepers, etc., and, in so doing, to fix a maximum of charge to be made for services rendered, accommodations, and articles sold.

3. Down to the time of the adoption of the fourteenth amendment of the Constitution of the United States it was not supposed that statutes regulating the use, or even the price of the use, of private property necessarily deprived an owner of his property without due process of law. Under some circumstances they may, but not under all. The amendment does not change the law in this particular; it simply prevents States from doing that which will operate as such deprivation.

4. When the owner of property devotes it to a use in which the public has an interest, he, in effect, grants to the public an interest in such use, and must to the extent of that submit to be controlled by the public for the common good as long as he maintains the use. He may withdraw this grant by discontinuing the use.

Following the above, and decided at the same term, is the case of the Chicago, Burlington and Quincy Railroad Company *v.* Iowa (94 U. S., 155), in which it was held that—

Railroads are carriers for hire. Engaged in a public employment affecting the public interest, they are, unless protected by their charters, subject to legislative control as to their rates of fares and freight.

The same doctrine was reasserted in the case of Peil *v.* Railway Co. (94 U. S., at 178). The court said:

Where property has been clothed with a public interest the legislature may fix a limit to that which shall in law be reasonable for its use. This limit binds the courts as well as the people. If it has been improperly fixed, the legislature, not the courts, must be appealed to for the change.

The foregoing cases had relation to the power of State legislatures in the fixing of rates of fare and freight within the State. That Congress has the same power to deal with the subject, under the Constitution—with interstate rates—as State legislatures have within their limitation seems to me beyond dispute. This position has been repeatedly sustained by the Supreme Court of the United States.

The power to fix rates must be conceded to be a legislative function, and that power, under the Constitution, is vested in Congress. To deny the power is practically to admit that corporations of this class are a law unto themselves upon the question of rate making and that the people are without any substantial remedy. Resort to the courts, as I have before stated, I believe is ineffectual, and it has been demonstrated to be such by experience.

It has been repeatedly held by the Supreme Court of the United States that the legislature may declare the rule of law that rates must be just, fairly remunerative, or otherwise, and authorize an administrative body or commission to fix and establish the rates or practice in conformity to the rule so established. In the case of Reagan *v.* Farmers' Loan and Trust Co. (154 U. S., at 393) the court states:

There can be no doubt of the general power of a State to regulate the fares and freight which may be charged and received by railroad or other carriers, and that this regulation can be carried on by means of a commission. Such a commission is merely an administrative board created by the State for carrying into effect the will of the State as expressed by its legislature.

The rule was still more clearly announced in the case of Commerce Commission *v.* C. N. O. and T. P. Rwy. Co. (167 U. S., at 494), wherein the power of Congress as to the fixing of rates, directly or through a commission, is fully declared by the court. Mr. Justice Brewer, speaking for the court, said:

There were three obvious and dissimilar courses open for consideration: Congress might itself prescribe the rates, or it might commit to some subordinate tribunal this duty, or it might leave the companies the right to fix rates, subject to regulations and restrictions, as well as to that rule, which is as old as the existence of common law, to wit, that rates must be reasonable. * * * Administrative control over railroads through boards or commissions was no new thing. It had been resorted to in England and in many of the States of the Union. In England, while control had been given in respect to discrimination and undue preferences, no power had been given to prescribe a tariff of rates. In this country the practice had been varying.

In the same case it was held by the court that it was a judicial act to inquire whether the rates which had been charged and collected were reasonable. On the other hand, it was a legislative act to prescribe rates which should be charged in the future. This same doctrine has been repeatedly asserted by the Supreme Court of the United States and by many of the supreme courts of the different States.

Nor shall any person * * * be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation. (Fifth amendment to the Constitution.)

This amendment limits the power of Congress in the exercise of the right conferred by the Constitution. When this power is exceeded the courts can intervene and protect the rights that are sought to be invaded. These rights, being guaranteed and protected by the Constitution, can not be disregarded by the legislative branch of the Federal Government. Nor do I believe could this power be withdrawn from the courts by any legislative device. Rights under the amendment are constitutional guaranties, and no act of the legislative branch of the Government could deprive the court of jurisdicion in which any question might be properly raised thereunder.

Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (Fourteenth amendment to the Constitution.)

This amendment places the limitation upon the State legislatures, and in case of its invasion jurisdiction attaches to the courts of the United States. Under the Constitution the judicial power of the United States is vested in a Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. While the latter courts exist and possess the powers conferred upon them by Congress under the Constitution, the guaranty given and the protection accorded by this amendment can not, in my judgment, be limited nor abridged by legislation. They would be open, I believe, to litigants without further amendment to the proposed bill for the protection of those rights guaranteed to them under these constitutional provisions.

For my part, Mr. President, I am anxious that in the proposed legislation the remedy provided to correct the evils complained of shall be efficient, speedy, and effective. If every order issued by the Commission is to be subject to judicial review and its enforcement suspended until the subject-matter is finally disposed of through the courts, with the delays incident thereto, I fear the legislation will be most disappointing. It will fail to satisfy the commercial and business interests of the country that have been most insistent for relief. I would be entirely willing, however, that the matter should be put beyond cavil or question, and that an explicit provision should be engrafted in the bill conferring affirmative jurisdiction on the courts to hear and determine whether the order or decision complained of was beyond the authority of the Commission or in violation of the rights of the carriers secured by the Constitution. This would relieve the bill from the doubts suggested as to its constitutionality in this regard, and the jurisdiction, which is conceded by the friends of the bill to be implied from its provisions, would then be affirmatively recognized in specific terms.

No one desires legislation that will not stand the test of judicial interpretation. The legislation sought is of vast consequence and reaches most important interests. Every important feature of its provisions has had and should have the utmost consideration. The law may not, and probably will not, accomplish all we expect. If possible it must be enacted in that form most certain to demonstrate its efficiency.

There is no disposition to be unjust to the carriers. They have rights guaranteed them the same as to individuals by the Constitution and by the law. The rights of the shippers and of the public should have the same consideration. There is no suggestion in the bill, and especially with the amendment pro-

posed, of the denial of any right to either person or property of the fullest constitutional protection. Resort to the courts, even without amendment, is recognized by the provisions of the bill. To deny the right of judicial review upon those grounds guaranteed by the Constitution would be held to be an attempt to take property without just compensation, and certainly if exercised would amount to the taking of property without due process of law.

In the case of Chicago, Milwaukee and St. Paul Railway Company *v.* Minnesota (134 U. S., 418), wherein the construction of an act of that State in which the railway commission was authorized to fix rates of charges and that they should be final and conclusive as to their reasonablenes, and should not be open to judicial inquiry as to their reasonableness, the court said:

> This being the construction of the statute by which we are bound in considering the present case, we are of the opinion that, so construed, it conflicts with the Constitution of the United States in the particulars complained of by the railroad company. It deprives the company of its right to a judicial investigation by due process of law, under the forms and with the machinery provided by the wisdom of successive ages for the investigation judicially of the truth of a matter in controversy, and substitutes therefor, as an absolute finality, the action of a railroad commission which, in view of the powers conceded to it by the State court, can not be regarded as clothed with judicial functions or possessing the machinery of a court of justice.

This decision has been frequently referred to in this debate. To my mind, with any fair construction of the provisions of the pending bill, the principle laid down therein, which no one questions, can not have application. As the bill comes to us from the House the right of the carrier to apply to the courts is expressly recognized. With the amendment suggested jurisdiction would be affirmatively extended. With the rights of the carrier thus secured, and having an opportunity to go into the courts to test the lawfulness of the order or decision of the Commission, or as to whether its constitutional rights had been invaded, no claim could be made that the action of the Commission must be accepted as "an absolute finality," or that the rights of the carrier under the Constitution had not been preserved.

Even if it were attempted, Congress could not deprive the courts of jurisdiction of those rights guaranteed by the Constitution. If I understand the position taken by the friends of this measure, the above contention is not disputed. Under the provisions of the bill jurisdiction of the courts is recognized, and that parties aggrieved by any decision or order of the Commission, at least within the constitutional protection, may seek redress therein, and hence its validity could be impeached for the foregoing reasons.

In my judgment there should be safeguards provided in the bill requiring notice to be given to the Commission and other parties in interest, and an opportunity for a full hearing had before any injunction order should be granted suspending a decision or order of the Commission. Constitutional guaranties in every way must be recognized, and the interests of the public, the shipper, and the carrier alike be protected. No other disposition has been manifested so far in this debate.

The question before us, Mr. President, is neither new nor unusual. Most of the States of the Union have invoked the same power in the fixing of rates and fares, and have exercised it through a commission, as is proposed in this bill. These laws and the manner of their exercise have been sustained by the highest courts of the respective States and by the Supreme Court of the United States.

It is not proposed, as it has been so persistently asserted by those conducting the campaign in opposition to this legislation, to give to the Commission power to fix any and all rates at their discretion, or to alter or reform, upon their own motion, any or all practices of the carriers.

> It is the duty of the Commission, and it shall have power, *whenever, after full hearing upon a complaint made as provided by this act,* it shall be of the opinion that any of the rates or charges or any regulations or practices are unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial, to determine and prescribe what will, in its judgment, be a just and reasonable and fairly remunerative rate or rates * * * to be thereafter observed in such case as the maximum to be charged * * * and to make an order that the carrier shall cease and desist from such violation. * * * Such order shall go into effect thirty days after notice to the carrier.

It is not proposed to give to the Commission power to initiate rates. This is left with the carrier, as it should be. The bill leaves the carriers free to manage their affairs as heretofore, looking to the development of their business, the protection of their property, the increase of business, and to control their great interests with the same freedom they heretofore have had, and shall be restrained only from doing those things that in good conscience and public morals they should not do even without the necessity of statutory prohibition.

With the law enacted and the right asserted, and the consciousness and knowledge by the carriers of this power of effective control and regulation, I believe many of the complaints now existing will be removed by the carriers themselves. I trust they may largely disappear upon the initiation of the railways themselves.

Private car lines, industrial roads, terminal facilities of whatever character, refrigerator charges and the like must and should be covered by the provisions of this bill. From their management and control great abuses have arisen and against which most serious complaints have been made. The facts disclosed in many instances, where investigations have been made, show most flagrant exactions and practices imposed upon shippers.

It is claimed that under existing law railway abuses have largely disappeared, and there is no necessity for further legislation. Railway rates have been greatly reduced in this country from what they were in years past. For many years there was a gradual downward tendency so that as a general proposition there is no general complaint against excessive or relatively high rates throughout the country as a whole. In this respect passenger and freight rates bear a most favorable comparison with those of any other country. In comparison with European countries the distances are greater and the advantages in this respect are in our favor. It is admitted, however, that for the past few years rates have been on the increase. This is also shown from the reports of the Interstate Commerce Commission. It was asserted a few days since by the distinguished Senator from Minnesota [Mr. NELSON], if the same rule were applied in the keeping of accounts for all commodities actually carried by the railways, that freight rates in Prussia are lower than the average rates in this country.

It can hardly be claimed that we have yet reached the ideal state as to this most important feature of railroad management, and that no readjustments or modifications are necessary.

Although much has been accomplished by the Elkins Act on the subject of rebates, it can not be claimed that this evil has been eradicated. With the fuller powers given to the Commission in this bill, and with the enlarged jurisdiction extended over all related instrumentalities connected with transportation, I believe it will have a most wholesome effect and will strengthen the present law looking to the correction of this evil.

Discriminations are still practiced and no claim is made that they do not prevail. The injustice done both communities and shippers in this respect goes almost unchallenged. To correct these evils, and that parties and communities may have some effective forum wherein they may be heard for the adjustment and arbitrament of their claims is not only reasonable but just.

It must be assumed, Mr. President, the Commission will seek to deal justly with individuals and communities as well as with the carriers. That there should be some tribunal before which their rights may be properly and equitably adjusted with full regard to the interests of all parties concerned seems self-evident. The carrier is not justified in assuming the position of sole arbiter over these questions of such vast moment to communities as well as individuals and have regard alone to its own interests. The Government is warranted, as it is its duty, in the creation of an impartial tribunal before which all interests may be represented and that exact justice may be administered and all interests protected.

I am not disposed to inveigh against railroads or corporate or vested rights. They, however, are the servants of the public. They owe their creation and their power to the State. They should serve the people with due regard to the interests and welfare of the public, and in good faith carry out the purposes of their creation. They owe the public fair and just treatment. This should be conceded. The proposed legislation asks for nothing more.

With the amount of invested capital engaged in transportation, with its dominant influence in financial as well as in political affairs, with the great interests it serves and its relation to our commercial and economic development, and the dependence of our whole people upon a proper, fair, and just service, legislation along the lines proposed by the pending bill, asserting a proper and effective governmental control and regulation, is emphasized and justified by the highest motives for our national well-being and of patriotism.

The immense mileage of the railways may practically be divided into eight extensive systems. These systems control substantially 70 per cent of the entire railway mileage of the country and 75 per cent of the traffic. Many of these systems, and the controlling influences therein, are predominant in others. It occurs to me, Mr. President, the Government should assert itself and meet the issues these vast responsibilities suggest.

This is the forum where it is to be debated and decided. I have confidence in the wisdom and the patriotism of Congress and that it will meet the expectations of the country with a disposition of the question in the interest of the whole people.

I am strongly persuaded, unless the substantial questions raised by the pending bill are met and solved, and solved fairly, with full recognition of the rights and obligations of every interest and of the people as a whole in the proper regulation and control of railways, we will very soon be confronted with serious problems so far untried in our governmental experience. If the people can not assert and secure and effectively maintain governmental regulation and control, they will be disposed to enter upon, possess, and manage in their own right, under governmental proprietorship, these great agencies of commercial and business necessities.

With such a movement I do not and could not sympathize. Legislation along the lines proposed by the pending measure, I believe, is the only effective agency to arrest and prevent the development and growth of such a stupendous proposal.

Mr. President, I believe Congress, and especially this Senate, is conscious of the vast responsibilities imposed upon it in the enactment of this measure. Outside of and independent of the evils to be corrected, the interests conserved or the remedies proposed, it means the assertion of and the maintenance of those principles underlying the foundations of the Government, that establish justice, secure liberty to persons and to property, insure peace and orderly development, and the promotion of the general welfare of the whole people.

Mr. KEAN. Mr. President, yesterday the junior Senator from Iowa [Mr. DOLLIVER] made the following statement:

> I have considered the fixing of a railroad rate through the Commission as an act of Congress. I can find no authority in the Constitution for the exercise of the power to regulate interstate commerce except that power which is conferred upon the Congress; and I have been driven by long meditation to the conclusion that whatever else this order of the Commission is, it is an act of Congress; for Congress has the only power conferred by the Constitution to regulate commerce between the States.

Upon that proposition, Mr. President, I propose to submit a few remarks, not very lengthy, this afternoon, and I trust the Senate will bear with me for a few moments.

For this bill, amended or unamended, I can find no justification, so long as its leading purpose is adhered to. There are two or three things as self-evident, at least, as the truths stated in the Declaration of Independence.

We are assembled here under the Constitution of the United States. Except for its force, what we say or do is without effect. Although elsewhere it may be treated as an ancient, lingering useless upon the stage, whose words need not be heeded, here in the Senate of the United States, where that instrument is the only source of authority, it must be remembered that the limits of authority as thereby fixed must be observed.

We are engaged in the business of legislating, acting under the authority of Article I of the Constitution, which deals only with *legislative powers;* under section 1, which reads as follows:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

And under section 8, which defines the "legislative power herein granted."

The particular legislative power which we propose to exercise is that defined in subdivision 3 of section 8:

> To regulate commerce with foreign nations and among the several States and with the Indian tribes.

The only power of Congress in the premises, then, is to *regulate* such commerce by *legislation*. If by enacting this bill we attempt to do anything but ourselves to regulate such commerce and to regulate it by legislation, then such enactment is beyond our power as fixed by the Constitution.

I assume that the power to regulate commerce includes the power to prescribe rates or to make rules for fixing rates to be charged for transportation. But I ask, Where in this bill is there any exercise of this power? Where in its provisions are rates prescribed or regulated by Congress, to which alone this power is given by the Constitution?

Section 15 tells who are to prescribe rates and in this respect to regulate commerce—the Interstate Commerce Commission. When the Commission *shall be of the opinion* that rates charged are unjust and unreasonable, then this *Commission* shall *determine* and prescribe what will, in its *judgment*, be just and reasonable rates *to be thereafter observed*, and shall *order* the carrier not to exceed the rates so prescribed, and such order the carrier is required to obey.

Section 16 provides remedies and penalties for disobedience of the orders of the Commission—damage to shippers, and forfeiture to the Government of $5,000 for each offense. By whom, I ask, is commerce to be so regulated? Is it not clearly by the Commission? Action is to be taken when it "shall be of the opinion." The Commission is to *determine* and *prescribe* what will, *in its judgment*, be just and reasonable rates, and penalties attach for disobedience, not of the commands of Congress, but by the orders of the Commission. Congress exercises no judgment, forms no opinion, determines nothing, prescribes nothing, orders nothing. All these things are to be done by the Commission. If Congress ought to prescribe rates or to regulate rates, then by this bill it simply attempts to shirk its duty and to delegate to a Commission functions which belong to it (Congress) alone, and the attempt must be futile and accomplish nothing outside the field of politics, for the Constitution authorizes no such delegation of power. The power to regulate commerce is given only to Congress and not to any other body of whatever nature, administrative or judicial; it is given only as a *legislative power*, one of the legislating powers which the Constitution declares "shall be vested in a Congress of the United States." Is it doubted that the power here sought to be given to the Commission is a legislative power?

In Texas and Pacific Railway Company *v.* Interstate Commerce Commission (162 U. S., 215), in which the question arose whether the act as it now is gives the Commission power to prescribe rates, Mr. Justice Shiras called this a "legislative power." And again, in Interstate Commerce Commission *v.* Cincinnati, New Orleans and Texas Pacific Railroad (167 U. S., 479), in which the same question was more carefully considered, Mr. Justice Brewer said:

> It is one thing to inquire whether the rates which have been charged and collected are reasonable—that is a judicial act; but an entirely different thing to *prescribe* rates that shall be charged in the future—that is a *legislative* act.

And he further says:

> The power given is to execute and enforce, not to *legislate*. The power given is partly judicial, partly executive and administrative, but *not legislative*.

And in Interstate Commerce Commission *v.* Alabama Midland Railway Company (168 U. S., 161) the power of *prescribing* rates is again called a "*legislative power*" by Mr. Justice Shiras. The very power which was considered in these cases it is now proposed to give to the Commission. If this was a *legislative power* when the Supreme Court denied that Congress had undertaken to give it to the Commission, now that it is proposed that Congress shall give it to them, is its nature changed? Is it not still a *legislative power?* Is it not one of those *legislative powers* which the Constitution has vested exclusively in the Congress of the United States? If this power be a legislative power, authority is hardly needed for the proposition that it can be exercised by Congress only. This would seem to be clear from the words of the Constitution. But hear what Judge Cooley, the first chairman of the Interstate Commerce Commission, and a recognized authority on constitutional limitations, says in his work (6th ed., p. 137):

> One of the settled maxims in constitutional law is that the power conferred upon the legislature to make laws can not be delegated by that department to any other body or authority. Where the sovereign power of the State has located the authority there it must remain, and by the constitutional agency alone the laws must be made until the Constitution itself is changed.

In Field *v.* Clark (143 U. S., 649–692) Mr. Justice Harlan says:

> That Congress can not delegate legislative powers to the President, is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution.

I am aware that the Supreme Court has recognized the validity of State laws empowering State commissions to fix rates, but I think they have done so only under the controlling decisions of the State courts. Certainly they have never held that any such delegation of legislative power could be made under the Constitution of the United States. Congress must do its own legislating. It can not turn the power and the responsibility—and the trouble, if you please—over to any other body or authority.

But it is argued that section 1 of the bill, or the similar language of the act now in force, does the work of regulating by legislation, and that sections 15 and 16 provide only a method for making such legislation effective.

Let us see what there is of such legislative regulation in section 1. Nothing but this:

> All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable, and every *unjust* and *unreasonable* charge for such service, or any part thereof, is prohibited and declared to be unlawful.

This, then, is the whole foundation of *legislative regulation* to support the provisions of sections 15 and 16. If this is not

sufficient regulation by legislation to justify the provisions of sections 15 and 16, then they can find no justification at all.

Suppose that a bill had been introduced containing only this sentence and a provision that a violation of this provision should be a misdemeanor, punishable by fine or by imprisonment. Would such a bill be seriously considered here? Would this be seriously regarded as regulation by legislation? As well might Congress enact that the Golden Rule should be followed in all matters of interstate commerce and impose a penalty for its violation. As well might it provide that all interstate carriers should be good and prohibit them from being bad. Would any such enactment be deemed to be regulation by *legislation?* Upon such an enactment could we justify the creation of a commission to form an opinion, to determine and prescribe and declare according to its judgment what specific conduct should be deemed to violate the act, to make the prohibition definite and certain, and to issue its orders accordingly, to have the force of law and make applicable the fines and penalties provided? Substantially this provision, the only legislative regulation of rates in the pending bill, has been on the statute books for nineteen years.

By section 10, act of 1887 (which it is not proposed by this bill to change), any violation of the act is made a misdemeanor punishable by fine. Have numerous prosecutions been taken under it? Have any been successful? If there have been no unjust and unreasonable charges made, where is the demand for the legislation now proposed? If unjust and unreasonable charges have been so frequent as to call for such legislation—and the act as it is makes them criminal—then what shall we say of the law officers of the Government? But the Department of Justice has not been at fault in this respect. This sentence can not properly be called legislation. No crime is thereby charged; no crime is thereby defined.

It would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders and leave it to the courts to step inside and say who could be rightfully detained and who should be set at large. This would to some extent substitute the judicial for the legislative departments of the Government. (United States *v.* Reese, 92 U. S., 214.)

Congress can delegate legislative power neither by using vague language having no distinct meaning nor by making such delegation expressly. It can not one way or the other transfer to any other body or authority its legislative power. That it can not by vague language put upon the courts the duty of completing legislation is not because of any limitations of the courts, but because Congress can not delegate legislative power to any other body or authority. As this prohibition contained in the sentence quoted has during these nineteen years furnished no basis for judicial action, so, in like manner, it can form no basis for empowering the Commission to fix rates, upon the theory that in so doing the Commission will exercise only administrative functions to make effective this prohibition that rates must not be "unjust and unreasonable."

The sentence quoted from secton 1, if this bill be passed, will continue as ineffective as it has been during the last nineteen years. Effective regulation of rates will result only from the orders of the Commission. These orders are to be made, not as called for by any definite principles laid down by Congress, applied to the mere facts to be found by the Commission. They are to be made according to the "*opinion*," according to the "*judgment*," according to the "*determination*" of the Commission. Are these merely administrative functions? Are they only executive machinery to make effective rules prescribed by Congress? If so, I am at a loss to know what limit there is to the delegation of the powers of Congress—how far we may go by substituting government by commission for government by law. When Congress shall have enacted regulations of definite meaning it may doubtless provide for action by an administrative or a judicial body to aid in making such legislation effective; but no body, except Congress itself, can either prescribe rates or lay down the rules upon which rates must be fixed.

It may be said that it is difficult for Congress to determine the rules or principles upon which rates shall be fixed; that the subject is too complicated for Congressional action. Does such a suggestion tend in any degree to justify this bill? The courts have found difficulty in determining what are reasonable rates.

In Chicago, Milwaukee and St. Paul Railroad Company *v.* Tompkins (176 U. S., 167) Mr. Justice Brewer says:

Few cases are more difficult or preplexing than those which involve an inquiry whether the rates prescribed by a State legislature for the carriage of passengers and freight are unreasonable, *and yet this difficulty affords no excuse for a failure to examine and solve the questions involved.*

Much more difficult is it to lay down rules and principles upon which rates may properly be *prescribed.* But does this afford any excuse for turning over the business of legislation to a commission? If rules and principles are to be followed in prescribing rates, may they not be determined by Congress after such investigation as may be had as truly as they can be determined by the Commission after like investigation? Or will it be confessed that this business of fixing rates for transportation can not be dealt with by any governmental authority, according to rules and principles, but must be dealt with arbitrarily from time to time by some such body as the Interstate Commerce Commission? If this is confessed, let us heed the words of the Supreme Court in the case of Yick Wo *v.* Hopkins (118 U. S., 356-359), as follows:

When we consider the nature and the theory of our institutions of Government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not leave room for the play and action of purely personal and arbitrary power.

In the view I take, the bill can not be justified though it be so amended as to provide for judicial review of the action of the Commission. *Legislative power can not be delegated* either to a commission or to the courts or to a commission whose acts are subject to judicial review or to commission and courts together, simply because such power can not be delegated at all.

But I can not close my eyes to the light which is thrown upon the character of the proposed legislation by all this anxiety upon the part of the most ardent supporters of this bill to shield the action of the Commission from judicial criticism.

We rightly pride ourselves upon the independence and ability of our judiciary throughout our national history. We have not forgotten that the Supreme Court of the United States is the bulwark of the Constitution; we still look to the courts for justice.

I will not believe that there has come a change in the attitude of the people to the courts. Should the respect of the courts go, we might as well abandon our experiment in free government. What, then, is to be gained from the attempt to bar the courts from reviewing the acts of the Commission under this bill? Is it not that the nature of the business to be put upon the Commission is such that it is realized that it can not be done by rules and according to well-considered principles, but must be done arbitrarily, according to the changing notions of the Commission? This bill is an attempt to delegate to a commission the legislative power of Congress, and this anxiety to bar judicial review is a confession that such power when so delegated must, in the nature of the case, be exercised arbitrarily and not in such manner as to be able to stand the scrutiny of the court. The courts of justice are to be closed lest the Commission be convicted of injustice. It may be the people care little for legality in these days, that constitutional limitations sit lightly, if at all, upon the common conscience. But I believe that when that conscience is aroused it will condemn us if we attempt such a departure as is proposed by this bill from the fundamental principles of government under the Constitution.

Mr. BURNHAM. I ask unanimous consent to call up the bill (S. 191) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska.

Mr. PETTUS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. TILLMAN. Before the unfinished business is laid aside for the day I should like to make some inquiry as to the order of business to-morrow. I have made inquiry of Senators on both sides of the Chamber, and I do not hear of anyone who is prepared to speak on the bill to-morrow. If I am mistaken I should be glad to know it. In regard to the debate for next week, as far as I have been able to learn, it occurs to me that most Senators on this side, perhaps, will get through next week—all of them, as far as I know, who expect to speak on the general subject in set speeches.

I should like to suggest to the Senator from Rhode Island [Mr. ALDRICH], who seems to be by common consent in the control of those who are opposing this bill, or guiding or managing it for that side, whether he is now prepared to offer any idea as to when we can get a vote.

Mr. ALDRICH. I understood that the Senator from South Carolina was himself opposing the bill, and I do not know why he suggests that I am opposing the bill.

Mr. TILLMAN. If I am mistaken in the Senator's attitude and he is going to vote for it at last, I beg his pardon and withdraw the remark.

Mr. ALDRICH. I expect it to be amended in such a form that I shall be very glad to vote for it, and I hope the Senator from South Carolina will be found to be voting in the same way.

Mr. TILLMAN. If the Senator from Rhode Island and the Senator from South Carolina are found voting together for this bill, then I will be very much astonished.

Mr. ALDRICH. I hope the Senator will not abandon it, if proper and just amendments are made to it.

Mr. TILLMAN. No; I will try——

Mr. ALDRICH. I confess I have some doubt on that subject. I do not know where the Senator will be arrayed when the bill is perfected.

Mr. TILLMAN. I will try to give my support to any amendment, from whatever source it may come, that, in my judgment, will go to perfecting the bill and giving the country the relief which we feel, or some of us feel, is demanded. If the Senator from Rhode Island has an amendment which he wants to offer, which commends itself to my judgment as being a good one, I shall certainly be glad to give my vote for it.

Mr. ALDRICH. I voted to place the bill in the charge of the Senator from South Carolina, having great confidence in his judgment, intelligence, and discretion. I have watched his course upon it with great interest from day to day, and I must confess he has left more or less doubt upon my mind about what his real attitude is. If, as I hope and believe, both of us are able to vote for such amendments as may perfect the bill, in the end both may be found voting for the measure.

Mr. TILLMAN. What about the time for a vote?

Mr. ALDRICH. I think it is hardly time yet.

Mr. TILLMAN. Could the Senator give me within, say, two weeks of the time—say the 1st of May, or somewhere about there?

Mr. ALDRICH. I should like to ask the Senator what is to be the course of the discussion next week? How many speeches are to be——

Mr. TILLMAN. The Senator from Mississippi [Mr. McLAURIN] is to speak Monday and the Senator from Texas [Mr. BAILEY] will speak Tuesday. Some other Senator, the Senator from Louisiana [Mr. FOSTER], I believe, says he wants to speak on Wednesday. I have understood from the junior Senator from Wisconsin [Mr. LA FOLLETTE] that he would speak some time in the near future, though no specified day was mentioned. As I said, as far as I can learn, practically all the Senators on this side who have indicated any purpose of speaking at all will be through next week, and, unless the Senator can indicate what speeches will be made on the other side, I do not see why we can not begin to contemplate a day for the vote.

Mr. ALDRICH. Just as soon as those speeches are made——

Mr. PETTUS. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. TILLMAN. With pleasure.

Mr. PETTUS. If the debate on this subject is not to be continued, I should like to make a request to take up a bill.

Mr. TILLMAN. As soon as we have disposed of the question as to whether we shall adjourn over until Monday or continue the debate to-morrow, or whether we can fix a time for a vote, I shall be very glad to get out of the way of the Senator from Alabama or whoever else wishes to call up a bill, and let them have the floor, because I do not want to occupy it.

Mr. SPOONER. Mr. President, does the Senator from South Carolina undertake to say that Senators who desire to amend this bill are therefore to be classified as opposing the bill?

Mr. TILLMAN. Mr. President, I did not say or even hint such a thing, merely for the reason that I want to put at least half a dozen amendments on it myself.

Mr. SPOONER. That is why I wanted to direct the Senator's attention to what the Senator did say. He not only said that, but he spoke of Senators being "controlled."

Mr. TILLMAN. I did not use my language as guardedly as the Senator from Wisconsin does his. I know nobody controls that side or this side.

Mr. SPOONER. That is true.

Mr. TILLMAN. And if the Senator objects to the word "control," I will say that I was simply suggesting, controlling or directing or guiding or counseling, or whatever word will suit the Senator, the general course of discussion, and the question of when it was going to get to an end.

Mr. SPOONER. The Senator used an expression which I knew he would withdraw.

Mr. TILLMAN. Certainly I withdraw it, because it is not accurate, and I do not want to be inaccurate, although I am very often so, I suppose, in the niceties of language.

Mr. SPOONER. I do not know any man who can be nicer than the Senator from South Carolina when he thinks for a moment of time and considers what he says.

Mr. TILLMAN. If I sat down to write a nice note to the Senator from Wisconsin, I think I might use language that probably would be calculated to pass muster in that line.

Mr. SPOONER. The Senator has said a great deal to me in the heat of debate that has been very agreeable and pleasant and complimentary.

Mr. TILLMAN. I thank the Senator for the compliment. I really have no malice toward anybody, but when I once get into a discussion I get earnest, though I do not want to say anything to wound.

Mr. SPOONER. I thought the Senator might, on reading his observations in the RECORD in the morning, find that he had used a term that he did not mean, and I wanted to call his attention to it.

Mr. McLAURIN. I desire to give notice that, if I can get the floor on Monday next, I shall submit some remarks on what is known as the "railroad rate bill."

The VICE-PRESIDENT. At what time?

Mr. McLAURIN. At the conclusion of the routine morning business.

The VICE-PRESIDENT. The notice of the Senator from Mississippi will be entered.

Mr. MORGAN. I desire to give notive that I will attempt to get the floor on Monday to follow the Senator from Mississippi on the same bill.

The VICE-PRESIDENT. The notice of the Senator from Alabama will be entered.

Mr. BURNHAM. Mr. President——

Mr. PETTUS. I ask the Senator from South Carolina to yield to me for a moment.

Mr. TILLMAN. I shall be glad to have the unfinished business laid aside for the rest of the day.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

Mr. PETTUS. I ask unanimous consent that the Senate take up for consideration the bill (S. 2355) to organize the corps of dental surgeons attached to the Medical Department of the Army.

The VICE-PRESIDENT. The Chair will first recognize the Senator from New Hampshire [Mr. BURNHAM], who made a request for the present consideration of a bill. After that bill is disposed of, the Chair will recognize the Senator from Alabama [Mr. PETTUS].

Mr. HALE. What is the regular order, Mr. President?

The VICE-PRESIDENT. The regular order has been laid aside, and the Senator from New Hampshire asks unanimous consent for the consideration of a certain bill.

Mr. BURNHAM. Mr. President——

Mr. ALLISON. I ask the Senator from New Hampshire to yield to me for a moment.

Mr. BURNHAM. Certainly.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. As I understand, the Senator from South Carolina [Mr. TILLMAN] does not propose to bring the rate bill up for consideration to-morrow, there being no one——

Mr. TILLMAN. The only reason I shall not ask for the consideration of the bill to-morrow is that I know of no one who wishes to speak on it.

Mr. ALLISON. I was about to add, because there is no one ready to discuss the bill. That being the situation as respects the bill, I know of no special reason why the Senate should sit to-morrow. I therefore move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

MEMORIAL ADDRESSES ON THE LATE SENATOR ORVILLE H. PLATT.

Mr. ALLISON. Mr. President, I desire to call the attention of the Senator from Connecticut [Mr. BULKELEY] to the fact that the 14th of April had been selected at his request for memorial services on our late colleague, the former Senator from Connecticut, Mr. PLATT. I understand that on that day there is another service to take place, on the House side of this Capitol. I therefore think it would be well, if the Senator be willing to do so, to fix another day, a week from the time heretofore selected, on which the memorial services shall take place.

Mr. BULKELEY. Mr. President, the Senate will remember that I originally requested that the 7th of April be selected for eulogies on my late colleague, Senator PLATT; but on that day ceremonies were to take place in connection with one of our buildings. I therefore asked the Senate to change the date for the memorial services until the 14th day of April; and now, in accordance with the suggestion of the Senator from Iowa [Mr. ALLISON], which I think is entirely proper, I will ask the Senate that the memorial services over my late colleague take place on Saturday, April 21.

The VICE-PRESIDENT. The Senator's notice will be entered.

ALASKAN RAILROAD, TELEGRAPH, AND TELEPHONE LINE.

Mr. BURNHAM. I ask unanimous consent for the present consideration of the bill (S. 191) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill.

Mr. TELLER. Mr. President, I know debate is not in order on the request of the Senator from New Hampshire, but I want to say a word about it. I want to say to the Senator from New Hampshire that I think the request for the consideration of this bill is inopportune at this time. The bill will give rise to considerable discussion, I have no doubt, unless some amendments are made to it. The bill is to grant a right of way to a railroad company in Alaska. There are certain amendments which I desire made to the bill, and I think other Senators desire that amendments shall be made to it. I have had some talk with the Senator from New Hampshire about some amendments which I wish made to the bill, but I have had no time to formulate them. I do not know whether the Senator is ready to accept them or not. If not, I shall make objection to the passage of the bill, but I do not wish to make objection to its consideration. I do not think, however, this is a good time to ask for its consideration.

Mr. GALLINGER. Will the Senator not let the bill be read?

Mr. TELLER. I have no objection to letting the bill be read, reserving my right to make objection to its consideration afterwards.

Mr. BURNHAM. Mr. President, I desire to say that I should like progress made in the consideration of this bill. If the Senator from Colorado [Mr. TELLER] wishes to propose amendments to it, it is possible they might be accepted if presented; but at least I trust we may have the bill read, as it is of considerable length.

Mr. TELLER. I suggest that the bill be read, and then that it go over. I will see what I can do in the way of preparing my amendments after it is read.

Mr. BURNHAM. Very well, let the bill be read.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read the bill for the information of the Senate.

The Secretary read the bill, which had been reported by the Committee on Territories with an amendment, to strike out all after the enacting clause and insert:

That William L. Bull, Grant B. Schley, Winthrop Smith, William S. McLean, Sabin W. Colton, jr., W. Frederick Snyder, Irving A. Stearns, William M. Barnum, William B. Kurtz, Charles P. Hunt, Ernest Thalmann, James H. Wilson, Samuel M. Felton, John H. McGraw, Andrew F. Burleigh, and all such other persons who shall or may be associated with them, and their successors, are hereby created and erected into a body corporate and politic in deed and in law by the name, style, and title of the "Alaska Railroad Company," and by that name shall have perpetual succession and shall be able to sue and to be sued in all courts of law and equity within the United States and its Territories, and to make and have a common seal. And said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad, telegraph, and telephone line and branches, with the appurtenances, namely: Beginning at a point on the Gulf of Alaska, at or near the head of Cordova Bay, in the district of Alaska, thence by the most eligible route, as shall be determined by said company, within the territory of the United States, to a point on the Yukon River at or within 2 miles of Eagle; and is hereby vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act as herein set forth. The capital stock of said company may consist of 200,000 shares of $100 each, all of the same class and grade, or of such lesser amount as the board of directors of said company may by by-laws determine, which said stock shall, in all respects, be deemed personal property, and shall be transferable in such manner as the by-laws of said corporation shall provide. The persons hereinbefore named are hereby appointed and constituted the first directors of said corporation, to hold their said offices until their successors are duly elected, at the first stockholders' meeting, to be held as hereinafter provided, and qualify, of whom seven shall be a quorum for the transaction of business, which said stockholders' meeting shall be held within six months after the passage of this act. The board of directors of said corporation, after the board hereinbefore constituted as the first board of directors, shall consist of nine persons, five of whom shall constitute a quorum, and said board of directors shall be invested with all the corporate powers of said company. The first meeting of said first board of directors shall be held at such time and place in the city of New York, in the State of New York, as may be designated by a notice delivered to each of said persons hereinbefore named and signed by not less than three of the said persons hereinbefore named, said first meeting to be held not later than ninety days after the passage of this act. Said first board shall organize by the choice from its number of a president, vice-president, secretary, and treasurer, and they shall require from said treasurer such bonds as may be deemed proper, and may, from time to time, change the amount thereof at their discretion. The secretary shall be sworn to the faithful performance of his duties, and such oath shall be entered upon the records of the company, signed by him, with the oath verified thereon. The president and secretary of said board shall in like manner call all other meetings, naming the time and place thereof. It shall be the duty of said first board of directors to open books, or cause books to be opened, at such time and place as they, or a quorum of them, shall determine, within four months after the passage of this act, to receive subscriptions to the capital stock of said corporation. So soon as 5,000 shares shall in good faith be subscribed for, the said president and secretary of said first board of directors shall appoint a time and place for the first meeting of the subscribers to the stock of said company and shall give notice thereof either personally to each subscriber by mailing to his address, as shown by the books, or in a newspaper published in the city of New York at least ten days previous to the day of meeting. Such subscribers as shall attend the meeting so called, either in person or by lawful proxy, then and there shall elect by ballot nine directors for said corporation, and in such election each share of said capital stock shall entitle the owner thereof to one vote. The president and secretary of said first board of directors, and in case of their absence or inability any two of the officers of said board, shall act as inspectors of said election and shall certify under their hands the names of the directors elected at said meeting. The said first directors, treasurer, and secretary shall then deliver over to said directors all the property, subscription books, and other books in their possession, and thereupon the duties of said first directors and the officers previously appointed by them shall cease and determine forever. Thereafter the stockholders shall constitute said body politic and corporate. Annual meetings of the stockholders of said corporation for the choice of officers and for the transaction of business shall be holden at such time and place and upon such notice as may be prescribed by the by-laws.

SEC. 2. That the right of way through the lands of the United States in the district of Alaska for a standard-gauge railroad, telegraph, and telephone line is hereby granted to the said Alaska Railroad Company from some point on the Gulf of Alaska at or near the head of Cordova Bay, to be determined by said company, to a point on the Yukon River at or within 2 miles of Eagle, by the most eligible route, the same to be built wholly within American territory, to the extent of 100 feet on each side of the center line of its railroad; also the right to take from the lands of the United States adjacent to the lines of said road materials—earth, stone, and timber—necessary for the construction of said railroad, telegraph, and telephone line; also the right to take for railroad uses, subject to the reservation of all minerals and coal therein, public lands adjacent to said right of way for station buildings, depots, machine shops, side tracks, turn-outs, water stations, and terminals, and other legitimate railroad purposes, not to exceed in amount 20 acres for each station, to the extent of one station for each 10 miles of its road, excepting at terminals and junction points, which may include an additional 40 acres, to be limited on navigable waters to 80 rods on the shore line, and with the right to use such additional ground as, in the opinion of the Secretary of the Interior, may be necessary where there are heavy cuts and fills: *Provided*, That at the ocean terminal of said road, on the Gulf of Alaska, on the Pacific, said terminal lands hereby granted shall include 160 acres of uplands, limited to 160 rods on the shore line, and also the mud flats or tidelands in front thereof: *Provided further*, That nothing herein contained shall be construed to give to such railroad company, its lessees, grantees, or assigns, the ownership or use of minerals, including coal, within the limits of its right of way or of the lands hereby granted: *And provided further*, That all mining operations transacted or undertaken within the limits of such right of way or of the lands hereby granted shall, under rules and regulations to be prescribed by the Secretary of the Interior, be so conducted as not to injure or interfere with the property or operation of said railroad over its said lands and right of way. And when said railroad shall connect with any navigable stream or tidewater, such company shall have power to construct, maintain, and operate such piers, wharves, docks, bunkers, and terminals as may be necessary and convenient for connection with water transportation, and for that purpose may take, possess, and use the shores in front of said terminals and extend said piers, wharves, shores in front of said terminals and extend said piers, wharves, docks, bunkers, and terminals to deep water, subject to the approval and supervision of the Secretary of War. That all charges for the transportation of freight and passengers on said railroad shall be just, fair, and reasonable, and shall be subject to all the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, and all other acts amendatory or supplemental thereof.

SEC. 3. That said company, where its right of way, or where its tracks upon such right of way, pass through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of said canyon, pass, or defile for the purposes of its railroad or the crossings of its roads at grade, upon such terms and compensation as are just, and the location of its right of way through any canyon, pass, or defile shall not cause the disuse of any tramway, wagon road, or other public highway now located therein, nor prevent the location through the same of any such tramway, wagon road, or highway, provided the same shall not be so located or constructed as to impair the use of such railroad, telegraph, and telephone. And where any change in the location of such tramway, wagon road, or highway is necessary to permit the passage of such railroad through any canyon, pass, or defile, the said company shall, before entering upon the ground occupied by such tramway, wagon road, or highway for construction purposes, cause the same to be reconstructed at its own expense, in the most favorable location and in as perfect a manner as the original road or tramway: *Provided*, That such expenses shall be equitably divided between said company and any other railroad companies that may now or hereafter keep and use the same canyon, pass, or defile, and that where the space is so limited that it is necessary for said railroads to occupy and use the same tracks or roadbed, if the said companies can not agree upon terms and compensation for such use, the same shall be determined by the United States district court for Alaska having jurisdiction over such place. And nothing herein shall deprive Congress of the right to regulate the charges for freight, passengers, wharfage, or telegraph and telephone tolls, either directly or otherwise, as provided by law.

SEC. 4. That where said company shall, in the construction of said railroad, telegraph, and telephone lines, find it necessary to pass over private lines and possessory claims on lands of the United States, in case it can not agree with the owners or claimants for right of way, it may condemn the same in accordance with section 3 of the act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

SEC. 5. That said company shall file with the Secretary of the Interior, within one year after the passage of this act, a preliminary plat of its proposed route, and it shall within one year thereafter file the map of definite location provided for in this act; and said preliminary plat shall, from the time of filing the same, have the effect to render all the lands upon which said preliminary plat and route shall pass subject to said right of way.

SEC. 6. That said company shall within one year from the date of filing said preliminary plat of location of its road, as hereinbefore prescribed, whether upon surveyed or unsurveyed lands, file with the register of the land office for the district where such land is located a map and profile of at least a 20-mile section of its road as definitely fixed, and shall thereafter each year definitely locate and file a map and profile of such location as aforesaid, but not less than 20 miles additional of its line of road, until the entire road has been thus definitely located,

and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the records of said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way: *Provided*, That if any 20-mile section of said road shall not be completed within one year after the approval of said map of definite location by the Secretary of the Interior, or if the map of definite location shall not be filed within one year, as herein required, or if the entire road shall not be completed within eight years from the filing of the said preliminary plat of location, the rights herein granted may be forfeited as to any uncompleted portion of said railroad by Congress: *And provided further*, That if said Alaska Railroad Company shall not complete and put in operation at least 20 miles of its said railroad within three years from the passage of this act, all the lands granted by this act shall revert to the United States.

SEC. 7. That said Alaska Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turn-outs, stations, and watering places, and all other appurtenances, including furniture and rolling stock, equal in all respects to railroads of the first class when prepared for business, with rails of the best quality, and there shall be constructed a telegraph and telephone line of the most substantial and improved description to be operated along the entire line: *Provided*, That the said company shall not charge the Government of the United States higher rates than they do individuals for like transportation and telegraph and telephone service. And it shall be the duty of the said Alaska Railroad Company to permit any other railroad which shall be authorized to be built in Alaska to form running and track connections with it on fair and equitable terms.

SEC. 8. That the provisions of this act, except the limit of time for completing the main line, shall extend to such branch lines of railroad as said company may desire to construct, maintain, and operate, within eight years from the passage of this act.

SEC. 9. That the company shall have the power to borrow money and secure the same by mortgage or otherwise.

SEC. 10. That, in addition to the terminal lands hereinbefore granted for railroad purposes, there be, and is hereby, granted to said Alaska Railroad Company 2,560 acres of the public lands nonmineral in character, to be selected by said company by legal subdivisions, together with the mud flats or tidelands in front thereof at its terminus at or near the head of Cordova Bay, for which said 2,560 acres of public lands said company shall pay to the United States $2.50 per acre. Said Alaska Railroad Company shall pay the cost of surveying the same as now provided by law in Alaska. Said company shall have the right to select lands claimed or occupied, provided it shall obtain from the claimant or occupant an assignment or relinquishment of his rights, if such lands were claimed or occupied prior to the passage of this act, which assignment or relinquishment in writing shall be filed with the survey and selection of such lands in the office of the register of the United States land office in the district where such lands are situate. Said company shall have the right to improve the said mud flats or tidelands hereby granted for purposes of trade, commerce, and manufacture, in accordance with plans submitted to, and approved by, the Secretary of War: *Provided*, That ample streets and ways of access to the water front and the harbor area hereinafter provided for shall be reserved to the public by said plans and improvements: *Provided further*, That the public shall have the right to use all wharves, docks, slips, and waterways erected upon the said harbor area, in front of the lands granted by this section, upon payment of reasonable charges therefor: *Provided further*, That the Secretary of War shall, as soon as may be after the passage of this act, cause a harbor area to be established along the water front in front of the lands granted by this section at said terminus, at or near the head of Cordova Bay, not exceeding 800 feet in width, which said harbor area shall be reserved in perpetuity for the public, and beyond the outer line of which it shall be unlawful to erect any pier, wharf, dock, or other structure, and said harbor area is hereby reserved from the mud flats or tidelands in this section granted: *Provided further*, That suitable reservations shall be made for public buildings, schools, and parks when said lands are platted, to be approved by the Secretary of War: *And provided further*, That any other railroad company that may desire to make its terminus at Cordova Bay shall have the right to condemn for rights of way and terminal purposes, in the manner provided by law, any of the lands granted by this section and not reserved as a harbor area. Said Alaska Railroad Company is hereby given the right to confine the waters of Cordova Creek to one channel, and to straighten and deepen the same.

SEC. 11. That there be, and is hereby, granted to said Alaska Railroad Company one section of coal lands in Alaska, to be selected by said company, for which coal lands said company shall pay to the United States $10 per acre. If the lands selected are claimed or occupied, they may, nevertheless, be entered by said company, provided said company shall procure and file in the local land office, when such entry is made, an assignment or relinquishment by the claimant or occupant.

SEC. 12. That said Alaska Railroad and any and all branches it may construct, or any part thereof, shall be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation: *Provided*, That said company shall be exempt from license or other tax during the construction of the road.

SEC. 13. That the directors of said company shall make to the Secretary of Commerce and Labor an annual report of their receipts and expenditures, verified by the affidavits of the president and at least five of the directors.

SEC. 14. That the directors chosen by the stockholders in pursuance of the first section of this act shall, so soon as may be after their election, elect from their own number a president and vice-president, and said board of directors shall, from time to time and so soon as may be after their election, choose a treasurer and secretary, who shall hold their offices at the will and pleasure of the board of directors. The treasurer and secretary shall give such bonds with such security as the board may from time to time require. The secretary shall, before entering upon his duties, be sworn to the faithful discharge thereof, and said oath shall be made a matter of record upon the books of the corporation. No person shall be a director of said company unless he shall be a stockholder and qualified to vote for directors at the election at which he shall be chosen.

SEC. 15. That the president, vice-president, and directors shall hold their offices for the period indicated in the by-laws of said company, not exceeding three years, respectively, and until others are chosen in their place and qualify. In case it shall so happen that an election of directors shall not be made on any day appointed by the by-laws of said company, the corporation shall not for that reason be deemed to be dissolved, but such election may be held on any day within three months thereafter, which shall be appointed by the directors. The directors, of whom five, including the president, shall be a quorum for the transaction of business, shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, the transfer of shares, the duties and conduct of their officers and servants touching the election and meeting of the directors, and all matters whatsoever which may appertain to the concerns of said company. And the said board of directors may have full power to fill any vacancy or vacancies that may occur from any cause or causes from time to time in their said board; and the said board of directors shall have power to appoint such engineers, agents, and subordinates as may from time to time be necessary to carry into effect the objects of the company, and to do all acts and things touching the location and construction of said road.

SEC. 16. That it shall be lawful for the directors of said company to receive payment in cash, or in property at its cash value, upon all subscriptions received of all subscribers at such times and in such proportions and on such conditions as they shall deem to be necessary to completely carry out the objects of this act. Sixty days' previous notice shall be given of the payments required and of the time and place of payment by publishing a notice once a week in one daily newspaper in the city of New York, and by mailing a notice thereof to each subscriber from whom such payment is due, addressed to him at the address given upon the books of the company. And in case any stockholder shall neglect or refuse to pay, in pursuance of such notice, the stock held by such person may be sold at public auction to the highest bidder, and the company may bid therefor to the amount due it upon such subscription, subject to the condition that the board of directors may allow any stockholder to redeem his stock when so sold on such terms as they may prescribe.

SEC. 17. That the better to accomplish the object of this act, namely, to promote the public interest and welfare by the construction of said railroad, telegraph, and telephone, and keeping the same in working order, and to secure to the Government at all times the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard to the rights of the said Alaska Railroad Company, add to, alter, amend, or repeal this act.

The VICE-PRESIDENT. The bill will lie over without prejudice.

Mr. BURNHAM. Retaining its place on the Calendar?

The VICE-PRESIDENT. Retaining its place on the Calendar.

CORPS OF DENTAL SURGEONS, UNITED STATES ARMY.

Mr. PETTUS. I renew my request for the present consideration of the bill (S. 2355) to organize the corps of dental surgeons, attached to the Medical Department of the Army.

Mr. LODGE. That is the Army dental bill, as I understand. The Senator from Maine [Mr. HALE] has been obliged to leave the Chamber. He asked me to say that he was opposed to the bill, and that he did not wish it to be considered in his absence. He requested me to state that, and I told him that I knew in his absence the bill would not be pressed.

The VICE-PRESIDENT. There is objection to the present consideration of the bill.

PUBLIC BUILDING AT PLATTSMOUTH, NEBR.

Mr. BURKETT. I ask unanimous consent for the present consideration of the bill (S. 2350) providing for the erection of a public building at the city of Plattsmouth, Nebr., and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 1, line 11, before the word "thousand," to strike out "seventy-five" and insert "forty;" on page 2, line 1, before the word "feet," to strike out "fifty" and insert "forty;" and in line 2, after the word "alleys," to strike out "and that no part of said sum shall be expended until a valid title to said site shall be vested in the United States, and the State of Nebraska shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site and to cause to be erected at the city of Plattsmouth, in the State of Nebraska, a suitable building for the use and accommodation of the post-office and other Government offices in said city, with fireproof vaults extending to each story, the site and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $40,000: *Provided*, That there shall be an open space of not less than 40 feet upon every side of said building, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the purchase of a site and the erection of a public building at the city of Plattsmouth, Nebr."

DISPOSITION OF CERTAIN PUBLIC PROPERTY IN HAWAII.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (S. 5513) to provide for the disposition of certain property in the Territory of Hawaii.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all personal and movable property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898, may be sold, leased, or otherwise disposed of in such manner as may be provided by the laws of the Territory of Hawaii; but that all sales, leases, or other disposals of such property heretofore made by said Territory, under the authority of such laws, are hereby ratified and confirmed, and all moneys or revenues derived from sales or disposals heretofore made, or made under authority of this act, shall remain the property of said Territory.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. POTTER.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (S. 3574) for the relief of John H. Potter.

Mr. KEAN. That is a very meritorious bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John H. Potter, formerly master of the collier *Saturn*, $1,344, in full settlement of salary and traveling and subsistence expenses from the time of his discharge in Manila, August 31, 1901, to the time of his reporting at the Navy Department at Washington, October 25, 1901, and to reimburse him for certain sums expended by order and under authority of commanding officers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARCHÆOLOGICAL INSTITUTE OF AMERICA.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 5131) incorporating the Archæological Institute of America.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ALLISON. I suggest to the Senator from Massachusetts that the fourth section of the bill is surplusage. As I understand the situation, the Smithsonian Institution is already engaged in doing the work referred to in that section. At any rate, the Secretary of the Interior can make the request, and it will be respected by this association. I move that the fourth section be stricken out.

Mr. LODGE. I have no objection to the motion of the Senator from Iowa to strike out the last section.

The VICE-PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. It is proposed to strike out section 4, as follows:

SEC. 4. That the Secretary of the Interior may call upon said corporation to report upon the nature and the desirability of preserving any ancient remains of constructions or other works by former American races found on the public lands; but no expense incurred by the corporation for the purposes of preparing any such report shall be chargeable to or reimbursed by the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CABLE FROM KEY WEST TO GUANTANAMO AND CANAL ZONE.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 5448) to authorize the construction, operation, and maintenance of a telegraphic cable from Key West, Fla., to the United States naval station at Guantanamo, Cuba, and from thence to the Canal Zone, on the Isthmus of Panama.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Illinois?

Mr. FORAKER. For what purpose?

Mr. CULLOM. I was about to move that the Senate proceed to the consideration of executive business.

Mr. FORAKER. I hope the Senator will withhold that motion.

Mr. KEAN. There are a few small bills which Senators would like to have passed.

Mr. CULLOM. Very well; I will withhold the motion.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio that the Senate proceed to the consideration of the bill named by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FORAKER. On page 1, line 4, after the word "operate," I move to amend by inserting "for governmental and commercial purposes."

The VICE-PRESIDENT. The amendment of the Senator from Ohio will be stated.

The SECRETARY. On page 1, line 4, after the word "operate," it is proposed to insert "for governmental and commercial purposes;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized to construct, and thereafter maintain and operate, for governmental and commercial purposes, a submarine cable from Key West, Fla., to the United States naval station at Guantanamo, Cuba, and from thence to the Canal Zone, on the Isthmus of Panama; and for the purpose of carrying the foregoing provisions of this act into execution the sum of $927,000, or so much thereof as is necessary, to be immediately available, is hereby appropriated: *Provided*, That in connection with the installation and operation of such cable system the Secretary of War is authorized and empowered to utilize, if consistent with the public interest, the personnel and resources of the military establishment, as far as they can be advantageously used without detriment to the public interest, and to employ such experts and other persons as may be deemed necessary to assist in carrying into execution the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

STEAMSHIP LINDESFARNE.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 3581) providing for the payment to the New York Marine Repair Company, of Brooklyn, N. Y., of the cost of the repairs to the steamship *Lindesfarne*, necessitated by injuries received from being fouled by the United States Army transport *Crook* in May, 1900.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to pay to the New York Marine Repair Company, of Brooklyn, N. Y., $850.13 in full for the cost of the repairs made by that company upon the steamship *Lindesfarne*, necessitated by the damages done to that vessel by the United States Army transport *Crook* in collision in May, 1900.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ST. PAUL, MINNEAPOLIS AND MANITOBA RAILWAY LANDS.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 10480) for the relief of certain settlers upon land within the indemnity limits of the present St. Paul, Minneapolis and Manitoba Railway Company.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHIGAN STATE CLAIM.

Mr. BURROWS. I ask for the present consideration of the bill (S. 3436) to provide for the settlement of a claim of the United States against the State of Michigan for moneys held by said State as trustee for the United States in connection with the St. Marys Falls Ship Canal.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that upon the payment by the State of Michigan of $68,927.12 into the Treasury of the United States, the Attorney-General is authorized to settle and dismiss from the Supreme Court of the United States a suit in equity now pending therein in which the United States is complainant and the State of Michigan is defendant, and to relinquish all further claims against that State, including interest upon the amount, which have arisen by reason of its trust in constructing and operating St. Marys Falls Ship Canal and locks.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRAND CANYON FOREST RESERVE.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 2732) for the protection of wild animals in the Grand Canyon Forest Reserve.

The Secretary read the bill.

Mr. HEYBURN. I ask that the first clause of the bill be read again. I want to know the area covered by it.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

That the President of the United States is hereby authorized to designate such areas in the Grand Canyon Forest Reserve as should, in his opinion, be set aside for the protection of game animals and be recognized as a breeding place therefor.

Mr. HEYBURN. There is no limit to the area, and I ask that the bill go over.

The VICE-PRESIDENT. Under objection, the bill will lie over.

Mr. SMOOT. I should like to have it retain its place on the Calendar.

The VICE-PRESIDENT. It will retain its place on the Calendar.

FISH-CULTURAL STATION IN KANSAS.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (S. 4641) to establish a fish-cultural station in the State of Kansas.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Kansas, including purchase of site, construction of buildings and ponds, and equipment, at some suitable site to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CIRCUIT COURTS OF APPEALS.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (H. R. 12843) to amend the seventh section of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The VICE-PRESIDENT. The bill was reported from the Committee on the Judiciary with amendments. The amendments will be stated.

Mr. KEAN. What is the scope of the bill?

Mr. BACON. I will state that it is a bill which simply regulates the question of practice in carrying up appeals where there has been an injunction or the appointment of a receiver from the circuit court to the circuit court of appeals. It comes with the unanimous recommendation of the Judiciary Committee. I can explain it still further if the Senator desires.

Mr. SPOONER. I had forgotten the bill. I should like to ask in what respect it changes the existing law.

Mr. BACON. I have the law before me. Under the present law that proceeding can be had in all cases except where a constitutional question is involved. In other words, in all cases where a constitutional question is not involved an interlocutory order or decree of a circuit court appointing a receiver or granting an injunction can be carried immediately to the circuit court of appeals. Under the present law, however, that is limited to cases which can now go to the circuit court of appeals from the circuit court. The effect of that limitation is that, under the law as it now exists, a case which involves a constitutional question upon a final decree or any other stage of the proceeding, can not go from the circuit court to the circuit court of appeals, but must go to the Supreme Court. There is no rule by which any kind of a case can go from a circuit court to the Supreme Court upon an appeal on an interlocutory decree. The consequence is that wherever a case involves, or is alleged by the pleader to involve, a constitutional question, there is no possibility of any review of an interlocutory decree. It can not go to the circuit court of appeals, because the present law does not permit it to go there. It can not go to the Supreme Court of the United States, because under no circumstances does an interlocutory decree go by appeal to the Supreme Court of the United States.

The effect of it is that whenever there is an application for the appointment of a receiver, if the complainant does not desire that the action of the circuit court shall be reviewed in that matter, all he has to do is to allege some constitutional ground, whether it is true in fact or not, and a mere allegation of it operates to prevent any review of the interlocutory order or decree. It is a fact which is stated by the judges of the courts that that is frequently taken advantage of by pleaders for the purpose of preventing the review of the decision of a court appointing a receiver or granting an injunction by an interlocutory decree.

The only effect, I will state to Senators—let any Senator turn to the act of 1900, which is found in the volume of the Statutes at Large for 1900, page 660, in which this seventh section is set out—the only effect of the bill is to take out from it the words which I will read. It is an exact reenactment of the law as it now stands, except that it takes out the words which I now read, which are found on the page I have indicated:

Mr. HEYBURN. On what page?

Mr. BACON. On page 660. The effect of the bill is to strike out these words:

In a cause in which an appeal from a final decree may be taken under the provisions of this act to the circuit court of appeals.

The only effect of it is to make it the law in any case and not limit it as it is limited in that act.

I will state to the Senate that the demand for this enactment does not originate with me. It comes in a very general way from a great many lawyers in many States. I will state further that this is a duplicate of a bill which I introduced in the Senate, and I only bring up the House bill because it has already passed the House and it is better to do that than to pass the Senate bill. This identical bill in form was introduced by me. It was sent to me by Judge Pardee, of the fifth circuit, in a communication in which the matters I have stated are set out by him as a practical evil in the administration of justice.

I have letters from lawyers in which they state the peculiar provision in the law as it now stands, under which there can be no appeal from an interlocutory decree where there is an allegation of a constitutional right, either to the circuit court or to the Supreme Court, and that that peculiarity of the law is frequently taken advantage of and defeats really the ends of justice.

In 1900—in fact, prior to that time, but also in 1900—Congress passed a law which did not previously exist, which was not in the original circuit court of appeals act, under which appeals could be taken from a circuit court to the circuit court of appeals upon the appointment of a receiver or the granting of an injunction by an interlocutory decree. That established the policy which is now the law, and the sole effect of this bill is to make it generally applicable and not leave the particular exception which I have indicated.

The matter has been before the Judiciary Committee, and the bill comes before the Senate with the unanimous recommendation of that committee for its passage.

The VICE-PRESIDENT. The amendments reported by the committee will be stated.

The amendments of the Committee on the Judiciary were, on page 1, line 7, after the words "eighteen hundred and ninety-one," to insert "as amended by act approved June 6, 1900;" and on page 2, line 2, after the word "or," where it first appears, to insert the words "in a;" so as to make the bill read:

Be it enacted, etc., That the seventh section of the act of Congress entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, as amended by act approved June 6, 1900, be, and it is hereby, amended to read as follows:

"SEC. 7. That where, upon a hearing in equity in a district or in a circuit court, or by a judge thereof in vacation, an injunction shall be granted or continued, or a receiver appointed by an interlocutory order or decree, in any cause an appeal may be taken from such interlocutory order or decree granting or continuing such injunction, or appointing such receiver, to the circuit court of appeals: *Provided*, That the appeal must be taken within thirty days from entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or by the appellate court, or a judge thereof, during the pendency of such appeal: *Provided further*, That the court below may, in its discretion, require as a condition of the appeal an additional bond."

The amendments were agreed to.

Mr. SPOONER. As I understand the bill, this appeal does not stay the proceeding——

Mr. BACON. By no means; it leaves the law just as it is.

Mr. SPOONER. Unless the courts so decide.

Mr. BACON. It does not in any manner affect the law except in the enlargement of the jurisdiction, so as to make it include the case of a decree where there is a constitutional question involved.

I will say further to the Senate that the bill does not in any manner change the present law which will bring to the Supreme Court for adjudication any case which involves on final decree a constitutional question. It is limited simply to the interlocutory proceeding.

Mr. HEYBURN. This is, of course, a question of importance in the practice. Do I understand the Senator to interpret this amendment as merely enlarging the present scope of appeals to be taken, and in section 7 of the act as it now stands eliminat-

ing the restriction to the class of cases in which an appeal from a decree may be taken under the provisions of the act?

Mr. BACON. Yes; and the only restriction is the one which I have indicated.

Mr. HEYBURN. It makes the right more general.

Mr. BACON. Simply to that extent, and nothing more.

Mr. HEYBURN. It makes it extend to all cases, then.

Mr. BACON. Yes; by interlocutory decree. The Senator says "extend to all cases." There is but one class of cases added, because there is only one now excluded.

Mr. HEYBURN. I understand that. It does not interfere with the existing right of appeal direct to the Supreme Court?

Mr. BACON. In other words, it does not change that at all.

Mr. SPOONER. When was the law passed providing for the appeal of an interlocutory order——

Mr. BACON. Some time about 1896 or 1897.

Mr. SPOONER. For appointing a receiver?

Mr. BACON. Yes, sir. Then the act was amended in 1900.

Mr. SPOONER. I remember that.

Mr. BACON. That is the act of which I speak.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend the seventh section of the act entitled 'An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes,' approved March 3, 1891, and the several acts amendatory thereto."

PUBLIC BUILDING AT RENO, NEV.

Mr. HEYBURN. Mr. President——

Mr. CULLOM. I have been up two or three times to move an executive session, but the Senator from Idaho appeals to me in behalf of a little bill and I will yield once more.

Mr. HEYBURN. I ask unanimous consent for the present consideration of the bill (S. 4427) to increase the limit of cost of the public building at Reno, Nev.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to increase the limit of the cost of the public building to be erected at Reno, Nev., from $60,000 to $97,500.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened; and (at 5 o'clock p. m.) the Senate adjourned until Monday, April 9, 1906, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 6, 1906.

AUDITOR.

Caleb R. Layton, of Delaware, to be Auditor for the State and other Departments.

SECRETARY OF EMBASSY.

George L. Lorillard, of Rhode Island, now secretary of the legation at Copenhagen, to be secretary of the embassy of the United States at Rio de Janeiro, Brazil.

PROMOTIONS IN PORTO RICAN INFANTRY.

First Lieut. Frank C. Wood, Porto Rico Provisional Regiment of Infantry, to be captain from March 25, 1905.

Second Lieut. Jaime Nadal, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from March 25, 1905.

Second Lieut. Henry C. Rexach, Porto Rico Provisional Regiment of Infantry, to be first lieutenant from April 1, 1905.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Maj. Frederick G. Hodgson, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel from March 31, 1906.

Capt. Arthur W. Yates, quartermaster, to be quartermaster with the rank of major from March 31, 1906.

Cavalry Arm.

First Lieut. Albert N. McClure, Fifth Cavalry, to be captain from March 31, 1906.

Second Lieut. William M. Cooley, Fifth Cavalry, to be first lieutenant from March 29, 1906.

Artillery Corps.

Lieut. Col. Robert H. Patterson, Artillery Corps, to be colonel from April 1, 1906.

Maj. George F. E. Harrison, Artillery Corps, to be lieutenant-colonel from April 1, 1906.

Maj. John P. Wisser, detailed inspector-general, to be lieutenant-colonel in the Artillery Corps from March 28, 1906.

Medical Department.

Maj. John M. Banister, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel from March 29, 1906.

Capt. Alexander N. Stark, assistant surgeon, to be surgeon with the rank of major from March 29, 1906.

Capt. Charles Lynch, assistant surgeon, to be surgeon with the rank of major from April 2, 1906.

Corps of Engineers.

Maj. Solomon W. Roessler, Corps of Engineers, to be lieutenant-colonel from April 2, 1906.

PROMOTIONS IN THE NAVY.

Paymaster Eugene D. Ryan to be a pay inspector in the Navy from the 10th day of February, 1906.

Carpenter Frederick C. Le Pine to be a chief carpenter in the Navy from the 10th day of January, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Lieut. Horace G. Macfarland to be a lieutenant-commander in the Navy from the 19th day of February, 1906.

Lieut. Charles F. Preston to be a lieutenant-commander in the Navy from the 28th day of February, 1906.

Gunner Lewis E. Bruce to be a chief gunner in the Navy from the 10th day of March, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

CALIFORNIA.

Thomas C. Bouldin to be postmaster at Azusa, in the county of Los Angeles and State of California.

Miriam H. Chittenden to be postmaster at Corning, in the county of Tehama and State of California.

George M. Francis to be postmaster at Napa, in the county of Napa and State of California.

William J. Hill to be postmaster at Salinas, in the county of Monterey and State of California.

Shelley Inch to be postmaster at Placerville, in the county of Eldorado and State of California.

William D. Ingram to be postmaster at Lincoln, in the county of Placer and State of California.

Roy B. Stephens to be postmaster at South Pasadena, in the county of Los Angeles and State of California.

Kennedy B. Summerfield to be postmaster at Santa Monica, in the county of Los Angeles and State of California.

James C. Tyrrell to be postmaster at Grass Valley, in the county of Nevada and State of California.

COLORADO.

John Trathen to be postmaster at Idaho Springs, in the county of Clear Creek and State of Colorado.

IOWA.

Benjamin A. Nichols to be postmaster at West Liberty, in the county of Muscatine and State of Iowa.

LOUISIANA.

Byrnes M. Young to be postmaster at Morgan City, in the parish of St. Mary and State of Louisiana.

MINNESOTA.

Almon E. King to be postmaster at Redwood Falls, in the county of Redwood and State of Minnesota.

Robert B. Kreis to be postmaster at Monticello, in the county of Wright and State of Minnesota.

Arthur McBride to be postmaster at Walker, in the county of Cass and State of Minnesota.

Peter A. Peterson to be postmaster at Cannon Falls, in the county of Goodhue and State of Minnesota.

George H. Tome to be postmaster at Pine Island, in the county of Goodhue and State of Minnesota.

NEBRASKA.

Wesley J. Cook to be postmaster at Blair, in the county of Washington and State of Nebraska.

Conrad Huber to be postmaster at Bloomington, in the county of Franklin and State of Nebraska.

NEW JERSEY.

Charles S. Robinson to be postmaster at Princeton, in the county of Mercer and State of New Jersey.

OHIO.

Alexander Sweeney to be postmaster at Steubenville, in the county of Jefferson and State of Ohio.

PENNSYLVANIA.

George R. Adam to be postmaster at Brockwayville, in the county of Jefferson and State of Pennsylvania.

Norman K. Wiley to be postmaster at California, in the county of Washington and State of Pennsylvania.

PORTO RICO.

Fred Leser, jr., to be postmaster at Mayaguez, in the department of Mayaguez and island of Porto Rico.

Juan Padovani to be postmaster at Guayama, in the county of Guayama, P. R.

VIRGINIA.

Hamilton W. Kinzer to be postmaster at Front Royal, in the county of Warren and State of Virginia.

George R. Hall to be postmaster at Oconto, in the county of Oconto and State of Wisconsin.

John C. Freeman to be postmaster at New London, in the county of Waupaca and State of Wisconsin.

John C. Outhwaite to be postmaster at De Pere, in the county of Brown and State of Wisconsin.

TREATY WITH SANTO DOMINGO.

The injunction of secrecy was removed April 6, 1906, from a report and resolutions of the New York Board of Trade and Transportation approving the pending treaty with Santo Domingo. (Ex. V, 58th Cong., 3d sess.)

HOUSE OF REPRESENTATIVES

FRIDAY, *April 6, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CHRISTOPHER C. HARLAN.

The SPEAKER laid before the House from the Speaker's table the following House bill with Senate amendments.

The Clerk read as follows:

An act (H. R. 15151) granting a pension to Christopher C. Harlan.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendments.

The question was taken; and the amendments were concurred in.

JOSEPHINE ROGERS.

The SPEAKER also laid before the House the following House bill with a Senate amendment.

The Clerk read as follows:

An act (H. R. 8891) granting an increase of pension to Josephine Rogers.

The Senate amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the amendment was con curred in.

POST-OFFICE APPROPRIATION BILL.

On motion of Mr. OVERSTREET, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16953—the Post-Office appropriation bill—Mr. SHERMAN in the chair.

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY] has the floor for one hour.

Mr. RAINEY. Mr. Chairman, the railroads of this country have an inspection of watches. I do not know whether the law requires it or not, but every great railroad company has inaugurated a system of watch inspection and railroad men are required to carry the better grades of watch movements; for that reason the better grades of watch movements are called "railroad movements." This is a wise provision. The men who are responsible for the running of our trains ought to be required to carry watches that will keep the time correctly. Now, if a railroad man wants to buy the best grade of watch movement, if he wants to render the very best service he can to his employer and to the public he will feel like buying a Riverside Maximus movement. He will have considerable trouble, perhaps, in finding a place where he can buy a Riverside Maximus movement for the minimum price at which retailers are permitted to sell them. Even the minimum price, $60, is a large price for the average railroad man to pay. He can not find in his vicinity a small dealer who is able to carry in stock that kind of a movement, and in order to supply himself with it he must apply to the more important retail establishments, to the establishments located in the fashionable shopping districts of our cities where they have a profusion of decorative wares, where they have clerks who manicure their finger nails and wear eyeglasses and part their hair in the middle, and it costs money to run that kind of a place. He will have difficulty in buying a Riverside Maximus movement for less than $75, because they do not sell in those places as cheaply even as the trust permits them to sell. And if he buys a Riverside Maximus movement for $75, after assisting in paying a dividend to the trust upon all their watered stock, he is compelled to work, if he can save out of his wages a dollar a day (and he is likely to save nearer 50 cents a day than a dollar a day)—but assuming that he can save out of his wages a dollar a day, and that is an extravagant figure, he will be compelled to work for the watch trust for thirty days before he can buy this watch at the same price the laboring man over in Europe, 3,000 miles away, is able to buy it for. But he will have to work two or three weeks for the trust before he can buy this movement for the minimum price, $60, and if he wants to buy the very cheapest movement the railroad company will probably permit him to carry—if he wants to buy a Riverside lever-setting Waltham watch, he must work at least two weeks for the watch trust after assisting in paying dividends on millions of watered stock. The laboring man in Europe, or in Canada, just across the St. Lawrence River, is able to get it without this extra effort, thanks to the beneficent effects of our protective tariff.

I have in my possession some of the export catalogues issued by the American watch trust—by the Keystone company and by the Waltham company and the rest of them. Some of them are printed in Spanish; all of them call these watches by other names than the names they are known by here in the United States. None of them quote discounts. Therefore, in an examination of this question their export catalogues are of no service. So I have brought here the watches themselves—the identical watches sold in Europe for a small fraction of the price they are sold for here to retail dealers in this country. Every watch movement is numbered—every one of them. It is easy to identify them. Every movement has stamped upon it the name of the maker. It is easy to identify them as American-made goods.

I have here a movement made by the Waltham Watch Company. This movement is known as a 16-size, 17-jewel Riverside. This identical movement was bought by a Manchester, England, watch dealer from the London office of the Waltham company for 50 shillings net, or a trifle over $12 in American gold. This is one of the grades included in the contract the Waltham company requires dealers to execute; and before they can sell any Waltham movements they must agree to sell this movement to the consumer for $25 or more. They can not sell for less; if they do, they forfeit their entire stock of watches. If they do, the watch trust steps in and closes up their business by shutting off their supplies; and there are dozens and dozens of retail dealers who have met with that sort of treatment from the watch trust in this country. This movement the ordinary retailer sells for about $30. Mr. Keene advertises it for sale there at $16.39; and no retail dealer in this country can buy it for less than $17.35 with all discounts off.

Now, I want to give these gentlemen—the majority on the Ways and Means Committee—the number of this watch; and for their convenience I propose to put it in the RECORD. It is numbered 10537464. I challenge the Waltham company, and I do it deliberately and advisedly and with malice aforethought—I challenge the Waltham company to show by their books (and they can) whether what I have said about this movement is not the exact truth. They have opposite its number, in their books, the history of this identical watch; and I challenge them to show by their books that this watch was not sold abroad—this identical movement—for the price I say it was sold for. I challenge them to say, and to prove by their books, that Mr. Keene is not selling now this identical movement cheaper than any retail dealer in the United States can buy it. If you do not believe what I have said about it, go and inquire of any watch dealer who handles this class of goods.

I have here another Waltham movement. I want to hurry over this part of my speech. I simply want to get these into the RECORD. It is numbered 10087181. This movement is a 16 size, 17-jewel Royal Waltham. It was bought by a Manchester, England, dealer from the London office of the Waltham Watch Company for 30s. net—a trifle over $7 in American gold. This same grade of movement costs the largest

retail dealer in America, with all discounts off, $11.60; and Mr. Keene sells it for $10.98—cheaper than any retail dealer can buy it from the watch trust.

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. RAINEY. For a question.

Mr. GARDNER of Massachusetts. I would like to ask the gentleman from Illinois why he keeps on speaking of the American watch trust. I am a stockholder of the Waltham Watch Company, and know nothing of any connection with any trust.

Mr. RAINEY. The Ways and Means Committee can give the gentleman a chance to testify on that question.

I have here an 0 size, 16-jewel Lady Waltham, the smallest watch made for the ordinary trade. It is numbered 12016826. This identical movement was bought from the London office of the Waltham Company. I do not know what was paid for it there, but the London dealer sold it next day for 32 shillings to the agent of Mr. Keene, and was satisfied with his profit. He therefore paid considerably less than $8 for it. This same grade of movement, with all discounts off, costs the retail dealer in this country $10.58, and he can not buy it for any less, and Mr. Keene sells it for $10.98.

I have here another movement which was sold abroad by the Waltham Company. This is a 16 size, 15-jewel movement, made by the Elgin National Watch Company, of Elgin, Ill. It is contained in a twenty-year Keystone James Boss brand case, made by the Keystone Watch Case Company, of Philadelphia, Pa. It sold in South America, this identical watch, for $8.40, complete. All the Elgin movements are shipped abroad in Keystone cases, and they only go abroad in Keystone cases, and this case and the movement together was sold in South America for $8.40. The largest retail dealer pays $11.42 with all discounts off. This identical movement paid its way to South America, paid a commission there to a jobber, paid a commission there to a retailer, paid its way back to New York, and you can buy it in this store at 180 Broadway for $9.78.

The movement in the watch that I now hold in my hand is numbered 7877492; it is a 16-size, 7-jewel Elgin watch, made by the Elgin Watch Company. It is in a silveroid case. The case is made by the Keystone Watch Case Company. This watch complete, movement and case, is sold to the South American trade by the Keystone Watch Case Company for $3.04 net. The largest retail dealer in the United States pays $4.79 for it, and Mr. Keene, after it has paid profits to two or three men, after it has paid its way to South America and back, sells it for $4.48, and then makes a profit on it that is entirely satisfactory to him.

The movement in this watch which I now present is numbered 10925821. It is an 0-size, 7-jewel Elgin watch, the smallest watch made by the Elgin company for the ordinary trade. This watch is in a five-year gold-filled Keystone case. This identical movement and this identical case were sold abroad to a London dealer for $4.60 in American gold. The American retailer pays $6.60 for this same grade of watch, and Mr. Keene sells it for $6.28, cheaper than any American retail dealer can buy it. In quoting the prices American dealers are compelled to pay for all these complete watches and movements, I have quoted the price with all discounts off.

Now, I know these facts are not particularly interesting, but I am putting them in the RECORD to give gentlemen on the other side an opportunity to determine whether it is time or not to investigate this sort of thing, and whether these tariff schedules ought not now to be revised.

But we are told since last night, the information has come to us now, that there is to be a revision of the tariff.

You will all be glad to know it and the country will be glad to know it. This morning in the Washington Post is an extract from a letter written by the Speaker of the House to Col. John N. Taylor, of the Knowles, Taylor & Knowles Pottery Company, at East Liverpool, Ohio, and he announces this as the policy now of the Republican party. And if his letter is quoted correctly I am reading it correctly now:

> I am satisfied there will be no tariff revision this Congress, but it goes without saying that the desire for a change which exists in the common mind will drive the Republican party, if continued in power, to a tariff revision. I do not want it, but it will come in the not distant future.

I believe the Speaker of this House told the exact truth about it.

Mr. SULZER. Will the gentleman allow me?

Mr. RAINEY. With pleasure.

Mr. SULZER. How in the world will it come if the Speaker does not want it, according to our rules?

Mr. RAINEY. It will come in the not distant future, because the Speaker has begun to understand that the political complexion of this House is going to change. [Applause on the Democratic side.] And that when it does change, there will be enough Democrats here to see that there is a tariff revision. There is no other way of accounting for this kind of a letter at this time.

Now, I want to refer to a little controversy, and anybody can verify what I say by examining the records of the custom-house in New York for the last week. Last week there arrived in New York a consignment of 2,400 American-made watches, shipped from abroad by Mr. Keene's agents there to him—American-made goods every one of them. When they reached the custom-house in New York, they were met by the agents of the watch trust; and I use the term advisedly, in spite of the fact that we have a plutocrat in this House who, by his own admission, is the holder of large blocks of stock in that trust. [Applause on the Democratic side.] They met this consignment of watches there and protested against the landing of the watches, and with their protest filed affidavits, and they made this showing: They said nearly 1,200 of those 2,400 watches had been advanced in value and improved upon while abroad by the addition of Swiss dials; and when Mr. Keene's agents investigated that statement they found that the watch trust, in order to stop his business, had duplicated a dial in Switzerland exactly the same color as the dials made in this country, exactly similar in all respects, but the words "Made in Switzerland" were stamped on the back of each one of them, and you could not find it out without removing the dials from the movements.

But there it was, a dial worth 4 or 5 cents added to the American movement in order that the American watch trust would be able to say that these identical movements had been "improved upon or advanced in value while abroad," and although less than half of this shipment had been improved in that way the officers in the custom-house at New York held up the entire shipment—the watches that remained unchanged together with the watches that had been improved upon or advanced in value by the addition of the aforesaid dials.

Mr. Keene appealed from the decision of the collector of the port of New York, and came down here, and on Friday of last week I accompanied him to the Department of Justice and to the officials of the Treasury Department and laid the matter before them, insisting that Mr. Keene had the right at least to withdraw his 1,287 watches that had not been improved upon or advanced in value, and that had been returned in identically the same condition they were in when they left this country. The officials at the Treasury Department held against us on that proposition. I am not prepared to say that they were not right about it. From their standpoint they were. There was some doubt about the question, and when there is any doubt about a question of this kind it is always resolved by Republican officials against the people and in favor of the trusts. [Applause on Democratic side.] Therefore I do not find any fault with them. They were compelled to do this. On last Saturday he paid the duty on the entire shipment of 2,400 watches, shipped the watches back to England, and took a rebate of 99 per cent of the amount of the duty paid. I could find nothing else for him to do. He gave his bond, agreeing to surrender to the customs officials his landing certificate when he gets it back from the consul at London, and thus release the bond.

He proposes now, these watches having been all shipped in the same consular invoice, to overcome this objection of the officials raised under the Dingley law and to remove from this consignment these watch movements that have not been changed in any way and to ship them back under a separate consular invoice, and then there can be no question so far as they are concerned. He proposes then to remove the Swiss dials from the other movements and ship these American-made movements back to this country in identically the same condition they were in when they went abroad There are 1,123 of them, I believe. The watch trust has, in effect, served upon him this notice: When these 1,123 watches come back, we will meet you again at the custom-house. They have been here once before, and it may be true that they are in the same condition they were in when they first went abroad, but they have been here before, and here are the numbers on this liquidated consular invoice, and it has been held once that they are dutiable. We insist that that is res adjudicata, and you have got to pay the duty on them to get them. Upon that issue Mr. Keene's attorneys in New York City propose to make a fight, and that fight will be pending, if the watch trust makes good its threat, at the time the Congressional elections are on this fall, and you will have something else to answer for then.

Now, I understand, if anybody replies to this speech—and some of you had better reply to it—whoever replies will advance

this sort of an argument: "The Dingley tariff raises the wages of employees. It makes it possible to employ more men. It makes it possible for the business to enlarge and to increase in importance." Why, in 1880 there were twenty-seven watch factories in the United States. Now there are only thirteen.

Since 1880 the number of employees in the watch factories has increased, it is true; they employ now in the watch business—the business of manufacturing movements in this country—15 per cent more men than they employed in 1880; but they employ 600 per cent more women and 200 per cent more children. A tariff which produces this sort of result, which endangers the future of the race in this way, ought certainly to be investigated. It does not exist for the purpose of enabling watch companies to pay more money in wages to individual employees; it operates only to enable them to employ cheaper labor, to pay less money.

Now, nobody can say that these watches to which I have called attention are old-style goods, and that therefore they are shipping them abroad. That is the reason that is usually advanced. It is a great consolation to the old farmer to know that the color scheme on his cultivator has changed since last year, and for that reason he has got an out-of-date cultivator. It is a splendid consolation to him to know that the decoration on his wagon bed has changed. Last year they decorated wagon beds with roses; this year they decorate with lilies of the valley. The kind of wagon he bought last year is out of date, and for that reason they are shipping that kind abroad. If he wants to be up to date, to be a modern farmer, to farm in a scientific manner, he must buy wagons decorated not with roses, but with lilies of the valley. [Laughter.] Why, Mr. Chairman, they made watches four hundred years ago.

They made watches so small four hundred years ago that you could put one of them in the end of a lead pencil, and they can not do any better than that now. There has been no change in the style of watches; there has been nothing new in watches for four hundred years. They make them cheaper now, that is all. Over here in the National Museum they have a collection of watches presented to the Museum by Tiffany & Co., of New York, representing the various eras in the watch industry, and the watches made four hundred years ago are not very different from the watches they made last year in this country. These numbers I have given you are among the latest numbers. They are not old style goods. They can not escape responsibility on that ground.

Does the McKinley tariff have the effect of building up the watch industry? Why, certainly not. I have here an article written for the last edition of the Encyclopedia Americana, a signed article, written by E. A. Marsh, general superintendent of the American Waltham Watch Company, and signed by him, and I ask permission to put this in the RECORD. I do not want to read it at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

The matter referred to is as follows:

[Extract from the article on watches in the Encyclopedia Americana.]

In conclusion, it may be said that notwithstanding the two or more centuries of priority and experience enjoyed by European watchmakers, their extreme conservatism has allowed them to be outstripped by the more progressive manufacturers of America, so that modern watch making is at the present time and in its most advanced form an exclusively American achievement.

E. A. MARSH,
General Superintendent American Waltham Watch Company.

Mr. RAINEY. Credit here is given not to the tariff, not to the men who organized the companies and watered the stock, but to the brains and intelligence and skill of the American workingman, and that is where it belongs. This article should be construed most strongly against the companies on the tariff question.

Mr. Chairman, this little watch to which I last called attention is a watch that is in demand for the holiday trade, and the Elgin company keeps it scarce in the fall in order to keep the price up. Not long ago Mr. Keene bought 2,000 of these watches from the Keystone Watch Case Company in London through an agent, and when they found out the watches were intended for shipment to the United States they refused to deliver, and Mr. Keene and the man who made the purchase for him sued the Keystone Watch Case Company, and I have here the plea they filed to their declaration in the English court. It reads as follows:

In the high court of justice, Kings bench division. 1904 K, No. 549. Between Charles Alden Keene and Maurice Michael, plaintiffs, and the Keystone Watch Case Company, defendants.

DEFENSE AND COUNTER CLAIM—DEFENSE.

1. The defendants admit paragraph 2 of the statement of claim.

2. The defendants were induced to enter into the said agreement in writing by the verbal representation of the plaintiff, Maurice Michael, to the defendants made on or about the 21st day of July, 1903, that all the said watches *were required for exportation to France only and not to the United States of America, and that he intended to and would export them.*

3. The said representation was untrue in fact. The plaintiff, Maurice Michael, then required the said watches solely for exportation to the United States of America, and so imposed and intended to export them.

Now, I am putting in the RECORD the title of this case and the number of the case, and in order that you may further investigate it I want to say that the attorneys who represented Keen & Michael in this suit were the London attorneys of R. G. Dun & Co.—Dommett & Sons, of London, England, and you can write to them if you do not believe I present here a correct copy of this defense.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. RAINEY. Yes.

Mr. GAINES of Tennessee. Has the gentleman any data showing that watches made in the United States were shipped to Europe and brought back and sold in the manner he has indicated under or during the operation of the tariff acts of 1846 or 1857, or before the civil war?

Mr. RAINEY. No; it never was done. Watches were never shipped abroad and sold for a less price than they were sold in this country until after the Dingley law went into effect. I have here a list of watch dealers in various parts of the world, from Europe, from Africa, and South America, and I charge that to each one of these watch dealers the American watch trust—the Elgin company and the Waltham company and the Keystone company and the rest of them—sell watches for a mere fraction of the price they sell to the American retailer, and I challenge them to show by their books that they do not do so, and I ask permission to put this list in the RECORD.

The CHAIRMAN. Without objection, the statement the gentleman presents will be printed in the RECORD. [After a pause.] The Chair hears no objection.

The following is the list referred to:

Mr. Evan Roberts, 30 St. Georges square, Regents Park, London; Mr. J. Blanckensee & Co., 48 Frederick street, Birmingham, England; Mr. Marcel Bourdais, 62 Ruede, Tavernue, Paris; Ballantyne & Son, 52 Virginia street, Glasgow, Scotland; MM. Les Fils de Braunschweig, Chaux de Fonde, Switzerland; E. Collins & Co., 34 Pritchard, Johannesburg, Africa; George & Co., Scotland road, Liverpool, England; Hopkins & Hopkins, No. 1 Lower Sackville, Dublin, Ireland; Mr. Hurtis Sendre, 6 Old China Bazaar street, Calcutta, India; Mr. Otto Heerman, 34 Ferdinand Strasse, Hamburg, Germany.

Mr. RAINEY. In 1898 they had a strike in the Elgin works, and I ask permission to put in the RECORD, from the Chicago Tribune, the charges made by the strikers against their employers.

The CHAIRMAN. The committee has heard the request of the gentleman from Illinois. Is there objection thereto? [After a pause.] The Chair hears none.

The article referred to is as follows:

[Extract from page 4, Chicago Tribune, Sunday, August 28, 1898.]

STATEMENT OF GRIEVANCES OF EMPLOYEES.

Whereas the amount of labor required to finish and stem-fit watches is greatly increased by the poor quality and workmanship of the material furnished us; and

Whereas the price of stem fitting and finishing watches under these conditions has been cut to a point where we can not make living wages; and

Whereas we have duly made complaint of these conditions to the foreman of the finishing department and also to the superintendent of the factory, without obtaining any satisfactory consideration; and

Whereas the stem fitters have been replaced by girls, who do the work at greater expense to the company than was demanded by the stem fitters; and

Whereas we know the company has been actuated in the past by kindly feeling for its employees, which has been shown by generous and unsolicited subscriptions to the aid fund for sick and deceased operatives, and also in many other ways: Therefore, be it

Resolved, That the president of the company be informed of the present unhappy condition of affairs at the factory, and see if our grievances can not be peaceably adjusted on the common ground of justice and fair dealing.

* * * * * * *

STATEMENT OF ONE OF THE STRIKERS.

"In order to make living wages at the scale offered by the company," one of the strikers said, "we were obliged to work so rapidly that no human being can stand the nervous tension. The most skilled finishers in the United States are unable to assemble more than forty watches a day. On one grade of movement made at Elgin a finisher would be compelled to put 100 watches together every day to make $3—a strain that would send the most phlegmatic finisher in the country to the madhouse inside of a week if it were a physical possibility to assemble that many movements."

* * * * * * *

DIVIDENDS PAID IN 1893.

In 1893, when many corporations were struggling to keep from insolvency, the Elgin National Watch Company paid four dividends of 4 per cent, though to do it, the dissatisfied men declare, half of the employees were discharged and the wages of the rest were cut from 10 to 50 per cent. None of the cuts in the wage scale, the employees say, has ever been restored. When the Dingley tariff bill was before Con-

gress the Elgin Company is credited with having obtained a special duty on imported watch movements in addition to the ad valorem duty. Senator Mason, who spoke in favor of a duty, said it was a necessity to enable American watchmakers to obtain living wages. The heavy tariff went into effect, and the Elgin Company raised the price of watch movements almost to where they had been before the panic of 1893. The exact advance is not known, as the company's prices to wholesalers are trade secrets. It is known that the wholesale dealers put up the price of Elgin movements all the way from 50 cents for the cheapest to $10 for the best movements. The employees, however, say there was no increase in wages.

Nearly two-thirds of the factory employees are women and girls. In five years improved machinery has been introduced by the Elgin mechanics that is said to be doing the work of over 200 skilled workmen, estimating by the present output of the works. Most of these machines are run by women and girls, who are paid from 60 cents to a dollar and a half a day. A skilled watchmaker acts as foreman for several of these machines. Men are found indispensable for the difficult work of assembling and timing.

Mr. RAINEY. In these charges they make they say that since the Dingley tariff went into effect the Elgin Watch Company has commenced to export their watches, that the Elgin Watch Company employ now cheaper labor, that the Elgin Watch Company employ now cheaper material, and it requires a finisher now to assemble a hundred watches of a certain kind a day in order to make $3 a day, and in order to do that work he must lay off and rest at least two days in each week. Five days after these charges were made the Elgin Company, finding that it would not do to advertise these features of their business, settled with the striking employees, and that strike won.

Now, have I satisfied the gentlemen on the other side? Interruptions are not as frequent now as they were formerly. Have I satisfied the gentleman from Pennsylvania [Mr. DALZELL], who had so much to say yesterday about this picture I displayed here on this easel? I displayed the picture here in this room because I had a right to do it under the rules of the House, and because I obtained authority from the proper source before displaying it here.

The gentleman for so many years and with such signal ability has represented the railroads and the corporations in this body that he can not understand now how a Member can honestly and conscientiously want to represent the people [applause on the Democratic side], and he puts into the RECORD these sneering remarks. The gentleman has been a member of the school of protection graft for so long a time that he can not understand what it means for a man to have an honest motive in a matter of this kind. Have I satisfied the gentleman from Iowa [Mr. LACEY]? And for him I entertain the highest personal regard. Have I satisfied the majority leader, the gentleman from New York [Mr. PAYNE]? I saw him yesterday circulating on that side advising Republicans to ask me no more questions. [Laughter and applause on the Democratic side.] Have I satisfied him? Are you all satisfied? [Applause on the Democratic side.]

Mr. PAYNE. Is the gentleman a mind reader, or did he hear it, or what is he testifying about?

Mr. RAINEY. Why did they quit then; why were you going around talking to them; why did you ask no questions? [Applause on the Democratic side.] Do you propose to investigate this watch trust? Do you? The country would be glad to know it. If there is any man in this House now who believes that a tariff that can produce this sort of outrage ought not now to be revised, stand up now, my friend, here and now.

Mr. LACEY rose.

Mr. RAINEY. If there are any more, stand up, every one of you here, so the country can see you. Stand up so we can see you. All the rest of you stand up so your constituents can see you and leave you at home when the time comes to select Members for the Sixtieth Congress.

Mr. LACEY. The gentleman calls for questions and then when anyone arises to ask him a question he declines——

Mr. RAINEY. I do not yield for a speech; you can make that in your own time.

Mr. LACEY (continuing). Then the gentleman declines to yield.

Mr. RAINEY. I yield for a question, nothing else, as I have only five minutes.

Mr. LACEY. We will agree to give you more time. You are doing well and we will give you all the time you want.

Mr. RAINEY. Very well, I will answer your question.

Mr. LACEY. I understood the gentleman to say a moment ago, in answer to the gentleman from Tennessee, that prior to the increased tariff duty there were no watches sent from the United States abroad; is that correct?

Mr. RAINEY. And sold for less——

Mr. LACEY. Or sold at any price.

Mr. RAINEY. Oh, no.

Mr. WILLIAMS. Oh, no.

Mr. RAINEY. I did not say that.

Mr. LACEY. Is it not true they were not sent abroad at any price, because they were not made here?

Mr. GAINES of Tennessee. Then why did you put on the tariff?

Mr. RAINEY. Watches have been made here for a hundred years. [Applause on the Democratic side.] Before that time for two hundred years watch making was a household industry in Switzerland.

Mr. LACEY. Under this law of which the gentleman so bitterly complains is it not true that one of the greatest manufactories in the world has been built up in your own State, and to-day a Swiss conductor on a Swiss railroad takes an Elgin watch, made in Illinois, to tell the traveler what time it is? [Applause on the Republican side.]

Mr. SULZER. And he pays less for it than the poor farmer of this country. [Applause on the Democratic side.]

Mr. RAINEY. American watches are the best in the world, I believe.

Mr. GAINES of Tennessee. I want to answer the gentleman from Iowa this way. My question was this: Has the gentleman from Illinois any data showing American watches were shipped to Europe and brought back to the United States under the acts of 1846 or 1857, or before the civil war, and sold cheaper to the people of the United States than they were sold originally in the United States? Now, then, on your question of tariff. Under the Democratic tariff act of 1846 the tariff on watches—gold, silver, etc.—was 10 per cent; under the act of 1857 the tariff was 8 per cent, and the war tariff of 1861 was 15 per cent; in 1862, 1863, and 1864, 20 per cent, and under the act of 1870 it was 25 per cent on watches—gold, silver, etc.

Mr. LACEY. The war tariff of 1862 was 5 per cent——

Mr. GAINES of Tennessee. Wait a minute. Now, if there were no goods sent to Europe, why did you put a tariff on those goods at all?

Mr. RAINEY. Mr. Chairman, I understand my time is to be extended, but I do not want to take up too much time even with that understanding. I have waited in vain for some Member on the other side to intimate that there was courage enough there to revise the tariff. You are not the leaders of the Republican party, none of you, from the Speaker down to the youngest Member who sits modestly on the other side of this Hall. The real leaders of the Republican party are the McCurdys and the McCalls and the Hamiltons, the men who furnish you with the sinews of war [applause on the Democratic side]; the Rockefellers, who skulk now behind armed guards in locked castles to evade the serving of the writs issued by our courts. They are the real leaders of the Republican party; you are not. Your cowardice in this matter proves that you are not. Why, you are only the decoys these fellows place out in the pond to lure your friends to destruction. [Applause on the Democratic side.] You dare not act; I challenge you to act; I challenge you, the majority members of the Committee on Ways and Means, to investigate any trust in this country; to serve subpœnas upon the officials of these companies to have them produce their books before the Ways and Means Committee. You can do it and find out whether what I have said is not true. You stand behind the majority you received at the last election and feel safe. One million five hundred thousand Democrats stayed at home, and you are under the impression that you are secure.

Majorities count for nothing. Over four hundred years ago an Italian university had on its enrollment 30,000 students and in its faculty 600 professors. The faculty met, and after a stormy debate for six months—there were 600 in this faculty, and it was a bigger school than this Standard Oil college out in Chicago—and they debated for months the question, and then they solemnly decided, and they unanimously decided, that the world was flat and Columbus was a fool; but that did not make it true. A majority of the inhabitants of this globe are polytheists now. Is that any reason why we should yield to the majority and tear down our churches and build Chinese joss houses? A majority is not a safe thing to stand behind, my friends.

Ninety-four years ago the great Napoleon was advancing upon the Russian capital at the head of an army of half a million men, riding in person at the head of crushing squadrons of cavalry, with nodding plumes; in all the history of the world no such magnificent aggregation of armed men had been assembled as this. Cities had thrown open their gates; kingdoms had capitulated. He was apparently soon to become the master of the known world. His power was apparently never greater; he was apparently never more secure; but at that very moment his crushing defeat and banishment to an obscure island in the Mediterranean was less than four years away. So—for many of you, who cowardly sit here to-day and keep your mouths shut, your Waterloo and your relegation to the

rear and to the private walks of life is considerably less than four years away. [Loud applause on the Democratic side.]

The Democratic party, fortunately, does not have any leaders. [Laughter on the Republican side.] They do not need any leaders. [Renewed laughter.] The brilliant gentleman, my friend from Mississippi, who sometimes for three or four days believes he is leading the small minority of this House, will agree with me in this proposition, and he does as well as anybody could possibly do. The Democratic party never had any leaders, and never will have any leaders, and the Democratic party does not need any leaders. [Laughter.] The man who wants to observe the commandment "Thou shalt not steal" does not need a leader. [Laughter and applause.] Every Democrat is a leader unto himself [laughter], and in its last analysis every Democratic platform and every Democratic campaign means this: "Thou shalt not steal." [Applause on the Democratic side.]

We stand upon certain basic principles. We believe in the doctrine—it is never too often asserted and announced—"Equal rights to all, special privileges to none." We have emblazoned that motto in letters of fire upon the clouds, until it becomes a pillar of cloud by day and a pillar of fire by night; and that is the leadership the Democratic party follows [loud applause], and no man under that kind of a leader will ever go to the penitentiary. [Laughter.] We may differ sometimes on matters of detail and party management, but we follow that leadership, and we are going in the right direction.

You are bought, every one of you, body, soul, boots, and breeches, by the trusts [laughter]; and you dare not assert the principles you really believe in. No man knows how much it costs Rockefeller, the insurance companies, and the rest of those fellows to buy you. Andy Hamilton may tell some of these days, and we will then know how many millions they had to pay for the kind of support you gave these kind of fellows.

Nobody knows except the managers of the insurance companies and their allied organizations and the managers of the Republican campaigns since 1896, and they will not tell—the men who stole the goods, and the men who received the stolen goods. The doors of our penitentiaries are opening now for every one of them. Majorities against it do not injure the Democratic party; the party stands now where it has always stood—at its post of duty. You can not defeat a party that stands for correct basic principles.

Two thousand years ago the ashes and the lava rose from Mount Vesuvius and overwhelmed two fair cities of the plain. On the walls at the gate of one of these cities stood a Roman soldier, his body incased in the iron armor of that period, holding in his hand the chain which held open the gate, and during that long and terrible night of death and despair he stood at his post of duty and held open the gate, and through the open gate thousands of men and women and children escaped to the green fields and the life and the liberty and the happiness which lay beyond.

But the ashes and the lava continued to fall, and blotted from the sight of men the ancient city of Pompeii. A thousand years passed by, and the site of that ancient city was discovered, the ashes and cinders were dug away from her streets, and there, standing on the wall, still holding in his hand the chain that held open the gates a thousand years before—standing at his post of duty—they found the old Roman soldier, his sightless eye sockets uplifted toward the stars. My friends, it does not require a thousand years for us. Already the shifting winds have blown the ashes of three great defeats from our streets, and you find the Democratic party standing where it has always stood, standing at its post of duty, still holding in its hands the chain which holds open the gates through which men, women, and children may yet escape from the dangers of the trusts, from the dangers of the protective tariff and its unrevised schedules, from all these dangers to the green fields and the life, the liberty, and the happiness that lie beyond. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. Mr. Chairman, I ask permission to revise and extend my remarks and to print as an appendix to them an article which recently appeared in the Chicago Public on the subject of watches.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPENDIX.

A LESSON IN PROTECTION.

[By ex-Congressman Robert Baker. From The Public (Louis F. Post, editor), Chicago, Ill., February 10, 1906.]

If the American people are not entirely devoid of all sense of humor, then 180 Broadway will soon become as widely known as 26 Broadway. But whereas 26 Broadway, New York, has long been an object of hatred, has embodied the very quintessence of trust wickedness, No. 180, on the same street, should personify the American spirit, the determination of the American citizen to emulate his forefathers and revolt against trust extortion.

The colossal building, 26 Broadway, which houses the numerous subsidiary companies and departments which make up the Standard Oil Company, typifies the ramifications, the strength, and the arrogance of the oil trust. The massive building seems to breathe defiance to the American people. A defiance and a warning. A defiance of all law and all restraint. A warning that whoever dares match his puny strength with that of the trust will be crushed by its remorseless despotism.

Equally does 180 Broadway personify the individual spirit; that spirit that has made America what it is; the spirit of individual determination; the spirit to do and dare; the determination to live and thrive despite the attempt of a trust to annihilate whoever will not submit to its dictation. For much as some are prone to extol bigness, it is not the great aggregations of capital that have put this country to the fore among the nations, but rather individual self-reliance, individual initiative, individual determination to achieve, no matter what the obstacles.

And the greatest evil of the trusts, in my opinion, is not their gigantic robberies, colossal as they are, but the closing up of opportunity to individual effort which inevitably results from the existence of these combinations, with their monopolistic power, to crush competition. And so I say that 180 Broadway personifies the real American spirit.

But you may ask, "In what manner, in what particular, does 180 Broadway typify the American spirit?" If there are any who do not already know it, I would say that 26 Broadway is a gigantic granite building, 14 stories high, 125 feet wide, some 250 feet deep, running through to that haven of stockbrokers, New street, and is used exclusively by the Standard Oil Company. On the other hand, 180 Broadway is a modest 25-foot building. It seems to stand as a protest against the policy of concentration going on all around it, as it is going on all over the United States, under which a constantly smaller number of people are absorbing most of the wealth produced. On the street level there is nothing to distinguish it from a score of other store fronts, as the store window, like most modern stores, is a large pane of plate glass.

But the contrast is striking in another particular. The imposing granite structure which is the home of the greediest and most ruthless of all trusts, the Standard Oil Company, that band of financial pirates dubbed by Lawson as the "system," while impressive in its massiveness, yet lacks the attractive element. One hundred and eighty Broadway, on the other hand, while itself an unimposing building, yet possesses a distinct attractive power. While none but the agents and satellites of the monopoly, and those compelled to do its bidding, ascend the steps at 26 Broadway, hundreds of the city's population eagerly enter the other, while scores of people are ever congregated in front of the store. Why this contrast? it may be asked. The answer is simple. Where 26 Broadway is the home of "addition, division, and silence," and all who enter must swear eternal fealty and secrecy, 180 can only thrive through publicity and open and above-board dealing. The oil trust has fear and necessity for its servants; all who do business with it had better keep mum as to what they learn; but the other building derives its popularity because it is the head center of a contest against monopoly.

Its power to attract lies in the fact that behind that large plate-glass window is spread out the conclusive proof of the falsity of the claim that the "system," miscalled "protection," really benefits the worker, in whose interest it is said to be established.

In that store window is displayed, in case upon case, the indisputable proof that human beings can not be trusted with unrestrained power; that such power will almost certainly be used solely for their own aggrandizement and enrichment, and not for the benefit of those in whose interest it is claimed to be conferred, and for whom those intrusted with the power are supposed to merely act as agents.

That these agents are vociferous in asserting that they ask for the power to tax simply that they may convey the benefit to others does not alter the case. The power to tax being theirs, they use it not to raise wages to employees, but to create fortunes for employers; not to expand production, but to restrict it by extortionate prices.

At 180 Broadway an enterprising American merchant presents the proof that his fellow-citizens are victims of a gigantic flim-flam game, that the people are playing with those who hold loaded dice, the dice being labeled "protection." Because that word implies a spirit of beneficence, those who hold the loaded dice are able to fool the American people into the idea that in some mysterious manner they are its beneficiaries, whereas they are really its victims.

In this store window are displayed hundreds and hundreds of watches (American) which have been exported and sold abroad at such large reductions from the home price that this watch dealer, Charles A. Keene, is able to maintain agents in England, Germany, and other European countries—yes, even in Egypt—to purchase these American watches, express them back to the United States, and, after paying all expenses for commissions, express and insurance charges, is then able to undersell other dealers in the same identical goods, who buy their watches direct from the watch trust, by from 25 to 50 per cent.

Having before their own eyes this convincing evidence of the fraud that is practiced upon them in the contention of the watch trust that a tariff on watches is necessary to prevent them from being driven out of business by foreign watch manufacturers—the very foreigners whom they are underselling in Europe—is it surprising that those who have heard of the fraud should make a pilgrimage to that store to see for themselves, and that there should always be a struggling, pushing crowd eager to examine the proof of this robbery in the name of "protection?"

Nor is it surprising that this enterprising and courageous Yankee (courageous in thus throwing down the gauge of battle to a wealthy trust) should at times find his store inadequate to accommodate those who are so foolish as to desire to obtain an American watch at from 60 to 75 per cent of the price his neighbor has paid for a similar timepiece made in the same factory (i. e., by either the Waltham or Elgin companies, who compose the trust), but which has not made a trip to Europe.

There is no possibility of the purchasers being deceived. Every one of these watches has made the European trip, is numbered and stamped with the name, either Waltham or Elgin. In order, however, that the skeptical, or even the most timid, may be relieved of any possible doubt of the absolute reliability of these watches—as to their being the standard make and that they are not old goods, but that they are of the

latest designs—this man, Charles A. Keene, who has thus circumvented the trust, gives to each purchaser a written guaranty that it is in all respects as represented, agreeing to return the purchase price if any dealer to whom the purchaser may submit the watch will say that it is not a genuine Waltham or Elgin of the latest manufacture and of the grade as represented.

It is perhaps too much to expect that, with so many other phases of the trust question engrossing public thought, the name of the American who defies and harasses the watch trust will become a household word, but if posterity is to accord fame in proportion to the effectiveness of the blows each of us may deliver against trust extortions, then the name of Charles A. Keene will surely be associated with the fight against an arrogant monopoly—the watch trust.

Whether "Keene is," as a newspaper has said, "an effective trust buster," or not, certainly he has shown that he is not merely Keene by name, but keen by nature, for in reimporting their own watches and selling them in competition with their own agents at from a quarter to a half less than they are sold for almost next door, he hits the trust a solar plexus blow. Keene is evidently an American who is alive to his opportunities; one who is not deterred from going straight to the mark by any threats of the trust that "they will put him out of business," and "will not permit him to get any watches to sell." Fortunately, he is endowed with that indomitable grit which is characteristic of his race, and he has not been bluffed, cajoled, or frightened. This case is but another illustration of how little one knows in this big city of what his neighbor is doing.

It seems that Mr. Keene has reimported and sold thousands of these watches during the past year, and yet it was only a few days ago that I learned about it; and I find that a similar ignorance of the matter existed among my friends, although some pass the store almost daily, but then a crowd no longer attracts a permanent New Yorker.

Keene distinctly disclaims being a philanthropist. He says he is merely following that immutable law which governs the actions of men, which leads them to gratify their desires with the least exertion.

Having figured out (and subsequently proved) that there was more money to be made by defying the trust than in acceding to its demands, and having the necessary grit, he proceeded to defy it. For the watch trust follows the practice of other monopolistic combinations—it exacts a written pledge from the dealers that they will not sell to customers at less than certain stipulated prices. The pledge is cast iron and copper riveted, and woe betide the dealer who dares break it by selling his watches at less than list prices.

Fourth of July orators tell us that this is a Republic, that freedom reigns, and that we are sovereign citizens. And yet this proves that thousands of watch dealers all over the country are really nothing more than the hired servants of the watch trust. It is true that their names are emblazoned on store windows and over doors. But in order to reveal the condition of servitude that exists—the real relation existing between the watch trust and retailers of watches—their signs should read, not—

"William Jones, watch dealer and jeweler."

But—

"William Jones, employee of the watch trust."

No wonder that when Keene hoists the trust with its own petard that it squirms, fumes, and threatens him with the most dreadful penalties if he does not desist from buying their own goods (abroad) and retailing them at from 30 to 50 per cent less than they permit American retailers to sell them for.

Presumably the trust's wits have been sharpened by Keene, but they have not yet devised a plan to prevent his continuance of what, for his customers at least, is a philanthropic act.

As an illustration: The most expensive watch made by the Waltham Watch Company is the grade known as "Riverside Maximus." The usual price at retail is $75. American dealers have to enter into an ironclad agreement not to sell for less than $60. Keene buys this watch abroad, pays all expenses, commissions, express, and insurance charges, and yet is able to sell it at retail for $42.30 and still make a legitimate profit.

He tells me this holds true as to practically all other grades of watches, about the same proportionate reduction of price being made all through. He is even able to reimport an American Waltham watch and retail it for $2.98.

Surely this is a lesson in protection for the American people.

Mr. RAINEY. Mr. Chairman, I also ask permission to print in the RECORD a small cut of this picture which I have used in illustrating my speech, and to furnish the cut at my own expense.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. LACEY. Reserving the right to object, I should like to ask whether this is a proposition to insert this cut-rate diamond advertisement in the CONGRESSIONAL RECORD?

The CHAIRMAN. The Chair did not understand the gentleman.

Mr. LACEY. I understand it is a proposition to insert this advertisement of cut-rate diamonds in New York City in the CONGRESSIONAL RECORD.

Mr. RAINEY. No, sir; to insert the picture that I have used in illustrating my remarks.

The CHAIRMAN. To insert the identical picture which is exhibited in front of the desk, only on a smaller scale.

Mr. LACEY. I understand the firm that it advertises will pay for the cut.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. OVERSTREET. Reserving the right to object, I wish to inquire whether this has ever been permitted?

The CHAIRMAN. The Chair is unable to inform the gentleman.

Mr. CLARK of Missouri. I can inform him. It has been done half a dozen times since I have been in Congress.

Mr. OVERSTREET. I shall make no objection, if there ever has been a picture printed in the CONGRESSIONAL RECORD illustrating a Member's remarks; but if this is the first instance of it, I think we ought to prevent the starting of a precedent.

Mr. CLARK of Missouri. It has been done repeatedly.

Mr. WILLIAMS. Maps and everything.

Mr. OVERSTREET. Mr. Chairman, I am simply inquiring whether a cut which clearly shows an advertisement of an individual has ever been printed as a part of a gentleman's remarks? I am not questioning the point which the gentleman has made, but nevertheless this is clearly advertisement, and I inquire whether it has ever been done?

Mr. GAINES of West Virginia. Mr. Chairman, I object.

Mr. WILLIAMS. Mr. Chairman, one question.

Mr. RAINEY. I ask it as a matter of right, then.

Mr. WILLIAMS. Will the gentleman yield for a question? Suppose the name is stricken out, and only the words left, "Cheaper than in America."

Mr. OVERSTREET. I ask for the regular order.

Mr. WILLIAMS. Will the gentleman yield for this question?

Mr. OVERSTREET. Of whom and what about?

Mr. WILLIAMS. Suppose the name of the dealer is stricken out and only the words left "Cheaper than in America;" would you still object?

The CHAIRMAN. The gentleman from Indiana did not object. The objection came from another source.

Mr. OVERSTREET. I ask for the floor, Mr. Chairman.

Mr. RAINEY. Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana has the floor.

Mr. RAINEY. I rise to a question of privilege. I insist I have the right to put this picture in the RECORD under the rules of this House at my own expense.

The CHAIRMAN. That is something that will come up later. The Chair does not have to pass upon it now.

Mr. RAINEY. I submit it now. It is time for this speech to go to the printer.

Mr. OVERSTREET. I object.

Mr. RAINEY. I move that I be permitted to print this picture in the RECORD with my speech at my own expense.

The CHAIRMAN. The gentleman is not recognized for that; and, in the second place, the Committee of the Whole has not control of that matter, but the House.

Mr. RAINEY. Then I will submit my motion to the House.

The CHAIRMAN. The gentleman from Illinois has not the floor. The gentleman from Indiana has the floor.

Mr. OVERSTREET. If the gentleman from Tennessee [Mr. MOON] does not desire to occupy some time, I will yield ten minutes to the gentleman from New York [Mr. CALDER].

Mr. CALDER. Mr. Chairman, the pending measure is of more interest to the people of this country than any other appropriation bill that will come before this House. I regret exceedingly that, in its consideration of this bill, the Committee on Post-Offices and Post-Roads did not see fit to include a provision increasing the salaries of letter carriers to $1,200 per annum. I am advised that at the proper time an amendment to the pending measure will be introduced, fixing the salaries of carriers in all cities where the population exceeds 250,000 people to the amount above indicated. I bespeak for this amendment, when introduced, your very careful consideration.

It will affect the carriers in the post-offices at New York, Chicago, Brooklyn, Philadelphia, St. Louis, Boston, Baltimore, Cleveland, Buffalo, San Francisco, Cincinnati, Pittsburg, New Orleans, Detroit, Milwaukee, and Washington.

I ask the indulgence of the House for a few moments so that I may lay before you the reasons why, in my judgment, this amendment when offered should be adopted.

I propose to discuss the proposition from the standpoint of New York and Brooklyn. There during the past ten years rents and living expenses have increased 30 per cent. The employees in the State and municipality have had their salaries increased accordingly. We pay our police officers and firemen $1,400 per annum. Ten years ago they received $1,000. Our inspectors of health, tenements, water, and buildings are all paid from $1,200 to $1,500 per annum. The cleaners and laborers in our public buildings are paid $900 per annum, while the letter carrier, appointed after a most rigid examination and barred by the rules of the Post-Office Department from further promotion, and possessing the highest state of intelligence, receives the maximum salary of $1,000 per annum, or $19 per week. Out of this sum he is compelled to purchase two complete uniforms each year, and is not paid when he is ill. Mr. Chairman, ten years ago in New York City the carpenter was paid $3 per day; now he receives $4.50. The bricklayer, plasterer, and plumber were paid $4 per day; now they receive $5.50 per day; and so I might enumerate all of the trades. The hod carriers to-day receive $3.25 a day, as against $2.50 a day ten years ago. The motormen and conductors on the street railways receive $2.40 per

day, which is an increase of 20 per cent. The people employed in our factories and stores are receiving an average of 15 per cent more in salaries than they received ten years ago, while the letter carrier, as regular as the clock, trudges along, in all sorts of weather, not only working six days a week, but compelled to spend three or four hours at the post-office on Sunday preparing his work for the next day, and in the busy seasons, when the mail is heavy, not only works from twelve to sixteen hours a day without complaint, but at Easter, election time, Christmas, and New Year is often compelled to hire a horse and wagon to carry his bulky mail, for which expenditure the Government makes no allowance.

Mr. SULZER. Will the gentleman permit me to ask him a question?

The CHAIRMAN. Does the gentleman from New York yield to his colleague?

Mr. CALDER. I will.

Mr. SULZER. Does not the gentleman from New York know that I have introduced a bill at the request of the letter carriers of the United States in the last five Congresses to graduate their pay so that they will get enough to live on decently and be able to procure the necessaries of life for themselves and their families; and does not the gentleman know that the Republican Committee on Post-Offices and Post-Roads of this House has refused for five successive Congresses to report this letter-carriers' bill?

Mr. CALDER. I know that the gentleman from New York has introduced a bill in this Congress. I do not know what he has done before, and I do not know the reasons why the Committee on Post-Offices and Post-Roads has refused to report the measure.

Mr. HEPBURN. Will the gentleman yield to me for a question?

Mr. CALDER. Yes.

Mr. HEPBURN. I understood the gentleman to say that the letter carriers labor from twelve to fourteen hours a day?

Mr. CALDER. During certain busy seasons.

Mr. HEPBURN. I want to know if there is not a post-office regulation that compels them to suspend their labor after eight hours, even though they may be in the midst of a delivery?

Mr. SULZER. That is not a post-office regulation; it is the law.

Mr. HEPBURN. And they are not under any circumstances allowed to labor more than eight hours?

Mr. CALDER. The statement of the gentleman from Iowa is undoubtedly true, but I know of some instances where letter carriers in Brooklyn work more than eight hours a day through the busy seasons of the year.

I contend, Mr. Chairman, that there is no class of men in the Government employ more deserving. They are compelled because of the exacting character of the work to live near the post-offices in the heart of our great cities, and because of high rents are obliged in some instances to live in crowded tenements, while struggling to bring up their families and educate their children in a respectable manner.

Mr. Chairman, this country is enjoying a great era of prosperity; the workingmen, the farmer, the manufacturer, the merchant, and the professional man are all doing well; property throughout this great land has increased in value and the country is growing richer each day. I ask that these men receive their just due, and that when this amendment is offered it may have the approval of the House. [Applause.]

Mr. OVERSTREET. Mr. Chairman, I now yield 40 minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, we who believe that the use of tax-free alcohol, made undrinkable by denaturization, will work a vast change in the source of fuel, light, and power are charged with being fanciful in our hopes. But, Mr. Chairman, I submit we are no more fanciful in our hopes than the Congress is fanciful in its tenacious fealty to precedent.

Take our magnificent postal system, which has just been under discussion. Complete as the system is, it has some regulations which are as strange as they are old. A hundred years or so ago Postmaster-General Meigs, the good old soul, ruled books out of the mail because the sharp corners rubbed the addresses off of envelopes. It is a tribute to our spirit of progress that this provision does not survive. Along about the same time, however, the 80-rod provision got into the system. This regulation provided that where a new post-office was created within 80 rods of the established route the stagecoach should not charge anything extra for making the detour and delivering the mail thereto. Long ago the stagecoach passed. The railroad has come, but we still cling fondly, affectionately, to that 80-rod provision, and while the locomotive can not make the detour we make the railroads deliver the mail when the post-office is within 80 rods of the station, while we deliver it ourselves if the post-office is 85 rods away. Apparently the provision is as firmly fixed with us as the "M" in our coat lapels, originally put there as a sign of recognition by a French Revolution society; as firmly fixed as the two buttons on the back of our coats, put there four or five hundred years ago to hold up sword belts.

Akin to this has been the national attitude toward undrinkable alcohol. The internal-revenue tax on drinkable alcohol is levied by all civilized governments, but we are the one great nation left which continues to tax that alcohol which is not drinkable. Some of us believe that if the tax is taken off the undrinkable alcohol it will work eventually a revolution in the field of fuel, power, and illuminants. We believe this will be accomplished partially through known methods, but that the greater development will come through as yet undiscovered methods.

For there is no industrial avenue closed to the open sesame of American genius. By known methods the same volume of alcohol burns nearly twice as long as kerosene and gives a far better light; it is a cleaner and better fuel than gasoline. By the methods that are to come, I believe it will advance far beyond its present superiority.

INDUSTRIAL ALCOHOL IN LEASH.

Why? Because this country, the chief producer of corn, the best source of alcohol, has for nearly fifty years held burnable alcohol in leash. In those fifty years all other chemical products and fuels and illuminants have been free. Burnable alcohol, for industrial use, has been held back. Release it, and it will open the door to a chamber of marvels; not in a day, to be sure, but certainly as its use gradually develops.

We who are fanciful can not forget the story of the past. About the time that good old General Meigs was ruling books out of the mail, there passed through the city of Washington, in a stage coach, a man and a woman who were to revolutionize, between them, one of the products of the world. One was the widow of General Greene of the Revolution; the other an ingenious young Yankee from Massachusetts, Eli Whitney by name. Whitney had secured a place as private tutor in a family in Savannah.

Mr. HIGGINS. Give Connecticut credit. Whitney was from Connecticut.

Mr. MURDOCK. That is right. He did belong to Connecticut. Mrs. Greene was returning to her home in that city. When they reached Savannah, the two had become acquainted. Eli found that another man had his job. He was in a strange city without money. Mrs. Greene asked him to be her guest until he found work. While he was waiting, Eli one day saw Mrs. Greene working some embroidery on a tambour frame. This tambour frame was so constructed that it impaired and impeded the work. "I can fix that," said Eli, and he at once tinkered into shape a new tambour frame which obviated all difficulties. Out of that little tambour frame, Mr. Chairman, sprang all the prosperity of the South. For a few nights later Mrs. Greene gave a party. One of the gentlemen of the old South, when the conversation turned to cotton, said in lamentation, "The South produces but 5,000 bales of cotton a year. If there was some way in which we could get the cotton away from the seed cheaply, we would produce hundreds of thousands of bales, and we would all be prosperous."

Perhaps the company thought the gentleman fanciful. But not so the good Mrs. Green, for she said: "If you want a machine that will take the cotton from the seed, I've the Yankee boy upstairs who can make it for you. Why, see here, he made me this tambour frame." And she brought Eli down. He had never seen any raw cotton. Some one went to a warehouse and brought him a handful. And the next morning in the basement of the Green mansion he went to work and soon built the first cotton engine, which the darkies abbreviated to gin, the gin which makes the South's 13,000,000 bales possible to-day.

THE STORY OF GOODYEAR.

Nor can we who are fanciful forget Goodyear, who came out of a debtor's prison in Philadelphia to give the world vulcanized rubber. I think it was in Andrew Jackson's Administration that this country went crazy over rubber. Rubber companies capitalized to the amount of $5,000,000 were formed. Rubber boots, coats, and shawls were made. But the first ensuing summer was a hot one, and those boots and shawls melted. It was a common sight in those days, it is said, to see a man in the backyard burying his boots to get rid of the smell. Bankruptcy overwhelmed the rubber business. Meanwhile Goodyear, on Long Island, was working to discover a treatment which would make the rubber heat resisting. He found it, but no one would listen to him. They had enough of rubber. Goodyear made an

individual campaign in favor of his discovery. He dressed in rubber and paraded the streets of New York. Once a man from Boston visited New York to see Goodyear, and asked the hotel clerk how he could find him. "Go out on the street," the clerk replied, "and when you meet a man wearing rubber breeches, a rubber coat, a rubber hat, and a rubber shirt, and carrying a rubber purse without a blessed penny in it, that's Goodyear."

But Goodyear finally won, and our immense rubber production is the result.

We who are fanciful believe that denatured alcohol, with known inventions, will gradually take its place in the market with other illuminants and fuels, and with inventions that are to come, that it may ultimately dominate many portions of the market.

FOUR KINDS OF ALCOHOL.

There are four kinds of alcohol to which I desire to call your attention.

The first is ethyl alcohol, made principally from grain. This is the drinkable alcohol. From 1896 to 1905 the cost of making it from corn varied from 9 cents for 190 proof to 19 cents, this variation being because of the price of corn. There are two common measures of ethyl alcohol—one the proof gallon, which is 50 per cent alcohol, 50 per cent water; the other the 190 proof gallon, which is practically pure alcohol. The latter is that used for light and fuel. This Government places a tax of $1.10 on each proof gallon and $2.09 on each 190 proof gallon. No one proposes to take this tax off drinkable alcohol, or to disturb it.

The second is methyl alcohol, or wood alcohol. It is made from the smoke and fumes of charcoal, and is a by-product of that article together with acetate of lime. It costs to make it about 39 cents a gallon. It sells from 60 cents to $1.50, according to the degree to which it has been refined. It is now brought to a very high state, and has largely supplanted grain alcohol in manufacture. It is a poison. It is not taxed.

The third is denatured alcohol. This is a mixture of grain alcohol and wood alcohol, used extensively in many lines in other countries, but not in the United States. The usual mixture is 10 to 15 parts of wood alcohol, the denaturant, to 100 parts of grain alcohol. It is poison.

The fourth is mineralized denatured alcohol. This is a mixture of grain alcohol, wood alcohol, pyridine (a coal-tar product), and green malachite, and is used in France and other countries as fuel and illuminant. The mixture in France is 2 parts of wood alcohol, one-half part of pyridine, to 100 parts of ethyl alcohol, with a small part of malachite added. The wood alcohol poisons the ethyl alcohol, the pyridine makes it noxious so that it would vomit anyone who should drink it, and the malachite colors it green to prevent anyone taking it by mistake.

In Germany, Sweden, France, Italy, England, and Russia, and Belgium, in Chili, Brazil, Venezuela, Mexico, in fact in nearly every nation except the United States, there is no tax on denatured alcohol.

The proposition before the Congress is to take the tax off alcohol which has been denatured and thus rendered unfit for drinking or for use in liquid medicines. Extensive hearings on the subject have been given by the Ways and Means Committee, and that committee has prepared a bill and introduced it. I hope it will pass this body and the Senate this session.

PRICE OF CORN AND ALCOHOL.

The first of the alcohols I have enumerated, ethyl alcohol, is made from anything containing quantities of starch and sugar. Corn heads the list, yielding 75 per cent of alcohol. Potatoes yield 15 per cent, and are chiefly used in Germany. Our Secretary of Agriculture, Mr. Wilson, believes that a large potato will be produced here for alcohol purposes if we take the tax off denatured alcohol. As sweet potatoes, sugar canes, cassava, and sugar beets all yield alcohol, every part of the country can produce its own fuel and light. Of this ethyl alcohol the United States produced 128,623,402 proof gallons in 1902; Germany the same year produced 223,899,120 proof gallons. Of this amount Germany used 73,635,249 gallons in the arts, free of tax.

Whether or not small cooperative distilleries in farm neighborhoods would develop in this country for the production of fuel and illuminant, I am not competent to say. Such an evolution is possible and would bring with it the utilization of much of the unmarketable farm product, save transportation of the stock-feed residue from the still, and eliminate the freight charge on the raw corn to the distant distillery and the freight charge on the fuel and illuminant from the distillery to the farm. Germany has a vast number of these small distilleries. So has Belgium, but in the latter country, where distilleries putting out as little as 250 gallons per day are permitted, the small concerns have a hard struggle to live against the large distilleries and their economies. As a rule the American farmer does not divide his interest and does not manufacture, and if I should hazard a guess, I would say that the farmer will buy his fuel alcohol from an independent distiller. Of course all such distilleries will be under strict governmental supervision.

Using corn as the raw material, the average yield of alcohol from a bushel of corn is nearly 5 proof gallons, equaling 2½ gallons of absolute or pure alcohol, or 2.66 gallons testing 94 per cent. The by-products, used for feeding cattle, pay the cost of distillation. Alcohol, then, can be produced as follows: Corn, at 30 cents per bushel, would produce 94 per cent alcohol, at 11 cents; corn, at 35 cents per bushel, would produce 94 per cent alcohol, at 13 cents; corn, at 40 cents per bushel, would produce 94 per cent alcohol, at 15 cents. This would bring the estimated cost of fuel alcohol, denatured for fuel and light, to the consumer as follows:

	Cents.
Cost of grain alcohol, at, say, 14 cents per gallon	14
Cost of denaturant, at 60 cents per gallon	1½
Package and selling profit per gallon	4
Total	19½

This is a very conservative figure. No doubt it will be made at a price below that. But considering the fact that because only 2 per cent of petroleum is gasoline and by reason of the great increase in gasoline engines used this gasoline is constantly increasing in price, 20 cent alcohol, which gives twice the length of burning and is a better light than kerosene and is a cleaner and less dangerous fuel than gasoline, will occupy the field as a regulating competitor of the products of petroleum, now in rural districts a monopoly.

THE HISTORY OF KEROSENE.

This brings me to the consumption of petroleum fuel and light in this country to-day. The kerosene lamp is only fifty years old. Mr. Kier, of Pittsburg, brought the first glass chimney to America and produced the first kerosene lamp. Kier was another Whitney, another Goodyear. He made the present immense production of petroleum possible by his lamp. My father told me the other day that when he was a boy petroleum was used solely as a healing ointment and was called Seneca oil. To-day, according to the census of 1900, we use in the United States in the neighborhood of 534,000,000 gallons of kerosene annually as an illuminant. We are using about 280,000,000 gallons of gasoline of domestic production, or altogether about 800,000,000 gallons of kerosene and gasoline. My State, Kansas, uses annually 9,000,000 gallons of kerosene and 6,000,000 gallons of gasoline. This tremendous market is held by a monopoly. What will be the effect if tax-free denatured alcohol is let into this field?

USE OF ALCOHOL IN MANUFACTURES.

Those who charge us with being fanciful, to begin with, do not deny that great good will come to the manufacturers by taking the tax off denatured alcohol. They will pay a low price for an alcohol which does not injure the workmen, as wood alcohol does, where they are now paying from 70 cents to $1.50 for wood alcohol. The manufacturers who will use this product are those making aniline colors and dyes, hats (stiff, silk, and straw), electrical apparatus, transparent soap, furniture, picture moldings, burial caskets, cabinetwork, passenger cars, pianos, organs, whips, toys, rattan goods, lead pencils, brushes, wagons, boots and shoes, smokeless powder, fulminate of mercury, brass beds, gas and electric light fixtures, various kinds of metal hardware, incandescent mantles, photographic materials, celluloid and other like compounds, sulphuric ether, organic chemicals. Artificial silk, not now made in this country, will be made and will consume hundreds of thousands of bales of cotton. It is no part of the plan of this legislation to remove the tax from spirits used in patent medicines or chemicals. The fact that it will benefit the manufacturers conceded, will it benefit the farmer; and if so, how? I would answer, in three ways:

First. By increasing the market demand for corn. As we produce some 2,000,000,000 bushels of corn annually, the increased demand of some 100,000,000 bushels of corn for alcohol would not seem to have a material bearing on the price; but, nevertheless, this increased demand would come out of the surplus production, which has a disproportionate weight in reducing the price, and in years of short production this increased demand would have a greater effect on raising the price.

Second. By regulating the present erratic price of kerosene and gasoline. This would no doubt be denatured alcohol's most important function. Gasoline sells in some of the eastern cities at 9 cents a gallon; in some of the Western States at 30 cents

a gallon. Kerosene has a similar range. The price is fixed arbitrarily by the Standard Oil trust. Actual tests have demonstrated that alcohol at 30 cents a gallon is cheaper than kerosene at 15 cents a gallon. Twenty-cent alcohol would drive 10-cent kerosene down in price or out of the market. For internal-combustion engines 20-cent alcohol would bring 30-cent gasoline to 20 cents, and would perhaps in time supplant it, because gasoline, apparently from natural causes, is increasing in price.

Third. By the general use of denatured alcohol for fuel, light, and power in rural districts. This brings me to a description of the alcohol light, the alcohol engine, and the alcohol refrigerator.

Mr. SIMS. May I ask the gentleman a question?

Mr. MURDOCK. Certainly.

Mr. SIMS. In using alcohol you avoid the unpleasant odors and fumes that you get from the use of gasoline, do you not?

Mr. MURDOCK. Absolutely; it is not foul smelling.

Mr. SIBLEY. Will the gentleman pardon me an interruption?

Mr. MURDOCK. Certainly.

Mr. SIBLEY. I did not hear the gentleman state what price alcohol could be furnished to the consumer.

Mr. MURDOCK. I have stated, but I will state it again, that at one of the Peoria distilleries from 1896 to 1905 the cost of alcohol 190 proof, or 90 above proof, averaged from 9 cents to 19 cents a gallon.

Mr. NORRIS. Will the gentleman state what was the price of corn at that time?

Mr. MURDOCK. Corn varied from 30 cents up to 65 cents a bushel.

Mr. NORRIS. I would like to suggest to the gentleman that in the western part of the State, or farther west, where he and some of the rest of us live, the price of alcohol made out of corn, that is much cheaper than the price which he refers to, would reduce the cost of alcohol perceptibly.

Mr. MURDOCK. That is perfectly true, but because I have been accused of being fanciful I have tried to be conservative by taking the higher figures.

Mr. STANLEY. Will the gentleman allow me a question?

Mr. MURDOCK. Certainly.

Mr. STANLEY. Can not you produce alcohol about as good as the grain alcohol from other substances, like cornstalks, beets, refuse matter, and things of that kind, at an infinitely small price, and from useless substances that are now of no practical service to anybody?

Mr. MURDOCK. That is true, and I have left that out of consideration and dealt wholly with the corn. The residue of the sugar beets, molasses from sugar cane, cassava, yams, and Irish potatoes will all produce alcohol. Germany's alcohol, with a production of 223,000,000 gallons against our 128,000,000 gallons, is produced from potatoes.

Mr. FULKERSON. Will the gentleman allow me a question?

Mr. MURDOCK. Certainly.

Mr. FULKERSON. How does the power produced by gasoline compare with that produced by alcohol?

Mr. MURDOCK. I have stated that the power produced by gasoline and alcohol is about the same, with a slight advantage in favor of alcohol.

Mr. SULZER. Mr. Chairman, I want to say to the gentleman that I am in favor of taking off the tax on alcohol in the use of the arts. One of the most beneficial things the Ways and Means Committee has done for a long time is to report this bill favorably. I want to suggest to the gentleman from Kansas that I concur in substance with the eloquent remarks the gentleman has made, and I suggest to the gentleman that he apply, in order to bring about the consummation so devoutly to be desired, to the source of all power in the House of Representatives—the Committee on Rules—and have that committee bring in a special rule to consider this bill; and I undertake to say that if the Committee on Rules will bring in such a rule for the consideration of this measure, we will be able to pass it.

Mr. MURDOCK. While, as a rule, I am against rules, for this very commendable purpose I think I should stand for the rule. [Laughter.]

Mr. SIMS. Will the gentleman please state the price of gasoline?

Mr. MURDOCK. The price of gasoline varies over the country. It is said that it sells here for automobile purposes for 9 cents a gallon. It sells in the West for 28 cents a gallon. There are territories in the United States in which it sells at 30 cents a gallon.

Mr. MARSHALL. Mr. Chairman, I would state that I would like to correct the gentleman about the gasoline selling here for 9 cents a gallon. I am buying it every day in a small way. I pay 15 cents a gallon for it, and at some places they charge as high as 20 cents a gallon. At home I pay 22 cents a gallon for it in barrel lots. I have a letter here from Texas that tells me it is selling there for 30 cents a gallon.

Mr. MURDOCK. I will say to the gentleman from Tennessee [Mr. SIMS] that the first function of denatured tax-free alcohol, in my opinion, would be to compete and as a competing regulator with gasoline and kerosene.

Mr. SULZER. Will the gentleman permit a question right there?

Mr. MURDOCK. Yes.

Mr. SULZER. I understand the gentleman to say that if we take the tax off alcohol it will be a competitor with kerosene. Is that so?

Mr. MURDOCK. That is true.

Mr. SULZER. Then of course we are to assume that the trust of all trusts—the Standard Oil trust—is opposed to taking this tax off alcohol.

Mr. MURDOCK. I should think they would be, but I was not discussing that feature of the case.

THE ALCOHOL LAMP.

Both Professor Wiley, of the Department of Agriculture, and Rufus F. Herrick, representing the American Chemical Society, exhibited alcohol lamps before the Committee on Ways and Means. The lamp Mr. Herrick showed was of French make, price about $2. The burner, which is the vital part of the lamp, costs about $1, and is interchangeable with any ordinary kerosene burner. It is a vapor light. The alcohol is drawn up by capillary attraction to a point where it comes to a tube which has a hair-like orifice, which, being warmed, converts the alcohol into vapor, and which then rises through a perforated plate and by the white heat of the mantle is turned into gas. The resulting light is very brilliant, but can be regulated. It is clean and safe. Speaking of the lamp in comparison with kerosene lamps, Mr. Herrick said:

I want to refer, in connection with this lamp, to the report made by the Electrical Testing Laboratories in New York City, and to state that 1 gallon of alcohol burned fifty-eight hours and fifty-two minutes, the candlepower of the lamp being twenty-five and the candlepower hours being one thousand four hundred and seventy-one. In a lamp burning kerosene 1 gallon lasted eighty-seven hours, the candlepower of the lamp being nine and the candlepower hours being seven hundred and eighty-three.

The report is signed by the Electrical Testing Laboratories, by Preston D. Miller. I submit that this report shows that if we had two lamps of equal capacity, one burning alcohol and the other kerosene, the alcohol lamp would burn nearly twice as long as the kerosene lamp. I have read a report of experiments conducted for an extended period by Professor Rosseau, of the University of Brussels, Belgium, in which careful photometric tests were made of both alcohol and kerosene burning lights. This report showed that for lighting purposes alcohol costing 31 cents per gallon is slightly cheaper that kerosene costing 15 cents a gallon.

These lights are used in Germany and France. The Emperor's palace in Berlin is lighted with alcohol. No one claims that the alcohol lamp will entirely supplant the kerosense lamp, but it will become its rival in time.

THE ALCOHOL ENGINE.

Prefatory to a statement on the use of alcohol for power, something is to be said about the conquering march of the internal-combustion engine through the land. Light in weight, small in size, easy to start, requiring a minimum of attendance while in operation, it is everywhere bringing new economies, is everywhere making the sweat of industry's brow a poetical figure of speech. Its irregular snort, its asthmatic cough is abroad in the land, and as the walls of Jericho crumbled at Joshua's horn, so, at its sound, the back-breaking, arm-wearying, brain-benumbing hardships of small shop and farm are vanishing. It turns the weekly newspaper press, the town feed mill, the sausage grinder of the local butcher, the lathe of the village blacksmith, the belts of the local elevator, and in some sections it bales the farmer's hay, shells his corn, shreds the fodder, pumps the water, separates the cream, saws the wood, and last, but not least, it is marching on to the emancipation of a boyhood whose leisure has been absorbed for two centuries by taking the boy's unhappy place at the grindstone and the churn. It has marched on over obstacles, despite the fact that gasoline is dangerous; that water will not put it out; that fire insurance companies frown upon its use, despite the fact that the price of gasoline is in many places high; that it is generally increasing, and that the quality of gasoline varies, and despite the fact that gasoline is unclean and foul-smelling.

Give denatured alcohol a chance, and the conquest of the internal-combustion engine will duplicate in America General Miles' exploit in Porto Rico.

In an internal-combustion alcohol engine the alcohol vapor and air are compressed in the cylinder by the piston on the return stroke, an electric spark explodes the vapor, and transmits the

power by the shaft to the engine. According to the testimony of J. C. Warnes, representing the International Harvester Company, of Chicago, most of the engines in present use can, with slight expense, be converted into alcohol engines.

Compared with gasoline, the use of denatured alcohol shows many advantages. Mr. Warnes, mentioned above, said in his testimony:

Alcohol is a suitable fuel for explosive engines; in fact it is the ideal fuel, because of its unlimited and universal source, and because of its uniform quality. Its physical properties peculiarly adapt it to economical conversion into power in the combustion chamber of an explosive engine.

Alcohol will mix with water. It has a greater capacity to absorb heat and a lower flash point than gasoline, thus preserving a more uniform temperature, and in consequence less loss by radiation, and also permitting a higher compression. Roughly speaking, alcohol possesses only half as many heat units per volume as gasoline, but, on the other hand, its thermal efficiency is twice as great, so that equal volumes will produce equal results in power. It is not so much a question of the heat units in the substance as how many of the heat units can be converted into useful work.

Prof. Elihu Thomson, of the General Electric Company, speaking of denatured alcohol as a motor fuel, said:

It may be mentioned here that our experiments developed the fact that alcohol is suitable as a motor fuel even when it contains as high a percentage as 15 per cent of water. Notwithstanding the heating value of alcohol, or the number of heat units contained is much less than that in gasoline, it is found by actual experiment that a gallon of alcohol will develop substantially the same power in an internal combustion engine as a gallon of gasoline.

This is owing to the superior efficiency of operation when alcohol is used. Less of the heat is thrown away in waste gases and in the water jacket. The mixture of alcohol vapor with air stands a much higher compression than does gasoline and air without premature explosion, and this is one of the main factors in giving a greater efficiency. It follows from this that, with alcohol at the same price as gasoline, the amount of power developed and the cost of the power will be relatively the same so far as fuel itself is concerned, but on account of the higher efficiency of the alcohol less cooling water is required, or a less percentage of the heat of combustion is communicated to the cylinder walls of the engine. The exhaust gases from the alcohol engine carry off less heat. They are cooler gases.

Leonard B. Goebbels, representing the Otto Gas Engine Works, of Philadelphia, said, before the Ways and Means Committee:

The thermal efficiency—that is, the degree of utilizing all of the heating value—of alcohol is much greater than that of gasoline, the figures being about 21 per cent for gasoline as against 30 per cent or more for alcohol. The consumption of alcohol per horsepower I found to be practically the same in volume as it was when using gasoline—that is, about one-eighth of 1 United States gallon per hour.

The Paris Journal Revue Technique recently published a series of reports from chemists showing the comparative efficiencies to be as follows:

	Per cent.
Gasoline	20
Alcohol	33
Alcohol with 10 per cent water	38

It is noteworthy that alcohol diluted 10 per cent with water is increased thereby in efficiency over 10 per cent.

In the matter of danger from fire, alcohol has every superiority over gasoline. Water spreads gasoline. It puts alcohol fire out. Professor Thomson, whom I have just quoted, said:

Gasoline is more volatile than alcohol, having a much lower boiling point, and is therefore proportionately more dangerous, especially in warm weather. The flame of burning gasoline is a highly luminous flame, one which radiates heat rapidly, whereas the alcohol flame is a faint blue or an almost nonluminous flame, which does not radiate heat to any great extent. The consequence of this is that a mass of burning gasoline will radiate sufficient heat to set fire to things at a distance from it, while heat from burning alcohol goes upward, mostly in the hot gases which rise from the flame.

Of the vast number of alcohol engines which would be made there is ample evidence. Although the alcohol engine was not perfected in Germany until 1900, and although with the small-sized farms there the demand is slight, there are 6,000 alcohol engines now in use. One central station in Berlin in 1903 had contracts for supplying 1,011 alcohol engines, of which 544 were intended for agricultural purposes. James S. Capen, representing the Detroit Board of Commerce, says there are now under contract in and about Detroit engines which will require 200,000 gallons of gasoline or alcohol per day, or 60,000,000 gallons a year—practically as much as Germany consumes of industrial alcohol altogether. And Mr. Capen added that the question of the manufacturers of the country to-day is not so much one of cost as it is a question of absolute supply of burning material. Mr. Warnes, whom I have quoted, said:

There is little doubt but the amount of denatured alcohol used for power and lighting purposes alone would far exceed the aggregate amount used for all other purposes.

He estimated that 100,000 stationary engines a year would be put out. He offered the large number of gasoline engines in use at present as an explanation of the cause of the rapidly advancing price of gasoline.

In concluding in the matter of alcohol as a power, I will submit for your consideration the following from a consular report:

ALCOHOL MOTORS AND PUMPS IN CUBA.

[From United States Minister Squiers, Habana, Cuba.]

Matanzas, a city of about 40,000 inhabitants, has water connection in 1,700 out of 4,000 houses, which use about 100,000 gallons a day. The waterworks, operated by an American company incorporated in the State of Delaware, are located a few miles distant from the city, where there are springs giving excellent water in sufficient quantity to supply a city of 100,000 people.

The alcohol motor pump, used on Sunday last for the first time, is of German manufacture, and cost, complete with installation, $6,000. This motor pump is a 45-horsepower machine and is operated at a fuel cost of about 40 cents an hour, or $4 a day of ten hours, pumping 1,000,000 gallons of water.

As alcohol here is very cheap (10 cents a gallon) the running expenses of these motors are at the minimum. The Germans are selling in Cuba many such motors for electric-lighting and water plants at very low prices. One firm has a contract to put in an alcohol motor pump at Vento, for use in connection with the Habana water supply, which is expected to develop 180 horsepower, to cost, with installation, about $25,000, and to pump 1,000,000 gallons an hour at a fuel cost of $1.60. The same firm has installed an electric-plant alcohol motor of 45 horsepower, which supplies 138 lights (Hersh lamps) at a fuel cost of 5 cents an hour.

I call the attention of those who are interested in our Cuban trade to the fact that at the breakfast which followed the installation there was not one article on the table of American origin except the flour in the bread.

H. G. SQUIERS, *Minister.*

HABANA, CUBA, *August 20, 1904.*

COOKING, HEATING, AND REFRIGERATION.

Denatured alcohol can be used for cooking. It can also operate a portable heating stove. There are about 800,000 gasoline stoves and heaters in this country. The alcohol heaters in Germany range in price from $8.40 to $11.50. One of the convenient novelties largely used in Germany is an alcohol flatiron with a small reservoir, which, being filled with alcohol and lighted, heats the iron for the hour's work at less than 2 cents.

One of the things the farmers need is means of refrigeration. Denatured alcohol may bring that. Professor Wiley, speaking of ethyl—that is, grain alcohol—said: "When you introduce into ethyl a molecule of chlorine you make ethyl chloride, which is not a beverage and which is impossible to drink, but which is a great refrigerant and could be used by the farmer for domestic refrigeration at much less expense than anhydrous ammonia, which is the common refrigerating agent." There is a machine in existence for the utilization of this ethyl chloride, waiting for the emancipation of denatured alcohol.

THE THREE OBJECTIONS.

It has been said that the progress with denatured alcohol in England has not been such as to encourage us. But England made the mistake of placing the amount of denaturant to be used too high and of burdening the industry with an excessive supervision. It is now in process of correcting its mistake. Besides England is not agricultural as we understand agriculture. Conditions in neither England nor Germany constitute in any manner an index of what can be done in America. There are in Germany 1,000,000 farms of less than 3 acres each. Our farms are estates. Our corn production is two and a quarter billion bushels annually, and 75 per cent of corn is alcohol. Most of our soil is new, and with the proper variety of potatoes, our production in tubers would far surpass that of any country in Europe.

We are a people who adapt ourselves to innovations readily. The tax on denatured alcohol in the industries has held American ingenuity, so marvelous in all other lines, in check in this. Cut the bond, and no man can estimate the uses, in number and kind, to which America would put denatured alcohol. For instance, in the western part of my State are the high plains, of unsurpassed fertility of soil and with an abundance of water beneath. Cheap fuel will raise this water for the irrigation of the uplands. It was need of cheap fuel in this regard which first attracted my attention to denatured alcohol.

Against tax-free denatured alcohol three specific arguments have been made. I will treat of them briefly, because you have heard them answered at length in the able and exhaustive speech by Mr. MARSHALL, of North Dakota.

The first of the objections is embodied in the fear that it would be possible to recover by fraud the drinkable alcohol from the denatured alcohol. While this might be done, it has been amply demonstrated by Professor Wiley and others that it will not be done. To separate the alcohol and the denaturant many redistillations, requiring the use of costly apparatus, would be necessary. Expert witnesses agree that it would be cheaper to make the alcohol from grain and pay the high tax on it than to redistill it out of the denatured alcohol. This has been so completely proved that the temperance advocates are generally favoring the measure, and several appeared before the Committee on Ways and Means in its behalf. The reported bill provides a severe penalty for attempts at recovery.

The second objection is the possible impairment of the nation's revenues. About 8,000,000 gallons of taxable grain alcohol were

used in the industries in 1890, this being an estimate, no record being kept. At that time about 1,000,000 gallons of wood alcohol, untaxed, were produced. Now, about 8,000,000 gallons of wood alcohol, untaxed, are produced for domestic use, and because this wood alcohol is cheaper than the taxed grain alcohol, the wood alcohol has largely crowded the grain alcohol out of manufactures. As the Commissioner of Internal Revenue keeps no separate record of the grain alcohol used in the industries, no exact figures are available, but a careful estimate by Mr. Klein, of the Philadelphia Trades League, indicates that we would lose less than $500,000 in revenue annually by taking the tax off denatured alcohol. Secretary Shaw, of the Treasury, says that for so great an enterprise we can stand the cut.

The third objection deals with the harmful effect of this legislation on the wood-alcohol business. Wood alcohol pays no tax. It is protected by a customs tariff. Its selling price is arbitrarily fixed through a combination. The contracts made for the purchase of the crude product are expressly voidable in event of such legislation as this, which has been expected for years. Will denatured alcohol drive wood alcohol out of the manufactures? To a large extent, yes; because denatured alcohol is better, less harmful to the workmen, and without the tax will be cheaper. Will the wood-alcohol industry be ruined? I think not. It is made as a by-product of other profitable articles. It is generally used as a denaturant and therefore if denatured alcohol comes into general use for fuel, light, and power the consumption of wood alcohol will increase. The bill reported leaves the amount of denaturant to be used and the kind to the decision of the Commissioner of Internal Revenue. If he fixes the amount of denaturant too high per gallon, the use of denatured alcohol for fuel, light, and power will grow more slowly because of the high price of the denaturant. In that event the wood-alcohol industry will suffer.

THE CAMP OF DISBELIEF.

In 1860 this country produced 90,000,000 gallons of alcohol. This was before the tax went on. David A. Wells, special commissioner, reported to the Fifty-third Congress that in his opinion 33 per cent of the whole product, prior to the imposition of any taxes on alcohol, was consumed in the arts and industries. Consequently, with a population of 30,000,000 in 1860, we used industrially and for fuel and light 30,000,00 gallons—that is, 1 gallon per capita. The same proportion to-day, leaving out of consideration new uses, new inventions, and improved methods, would bring our consumption of denatured alcohol up to 75,000,000 gallons annually.

Who doubts that it will be more? For myself, I am chiefly interested in it because it will, I believe, bring to the farmers of the prairie West a better, cleaner light than kerosene, safer, cleaner fuel than gasoline, and in many sections at a lower price. And it may bring other comforts and conveniences.

The highest economic condition in the world is found in the occupying owner of a fair-sized farm. The life that is environed in stone and steel is one of uncompromising rivalry. In a city one man's success is often built on his neighbor's bankruptcy. On the farm success comes without harm to anybody, and usually with advantage to all. We have added, through invention and legislation, many creature comforts to the farm. Invention has given implements and the telephone; science, seed selection and soil cultivation; legislation, a daily mail and daily markets.

We do not know, we can not know, how far the use of denatured alcohol on the farm would reach. But in the matter there are two camps to choose between.

One is the camp of belief, of acceptance and encouragement and adoption of innovation; of hope for less labor in the world and greater comfort; of less moil and toil and more leisure; of ambitious reach into the dark for the bounties of the future.

The other is the camp of incredulity, where the disbeliever dwells with the ghosts of the men who opposed Stephenson's locomotive because the sparks from the smokestack would frighten the cattle at night; with the ghosts of the men who ridiculed the telephone as a toy; with the ghosts of the men who, within five years, opposed rural mail delivery as an "experiment;" with the ghost of that august member of the Cabinet who walked down Pennsylvania avenue with Professor Morse the morning Morse was to test the first telegraph wire in the world, between here and Baltimore—the Cabinet minister who was as great in his day as any man here is great in his day—the member of the Cabinet who stopped Professor Morse in the midst of his explanation and asked, with an air of polite concern, "How large a bundle, Mr. Morse, will this telegraph of yours carry from Baltimore to Washington?" [Laughter and applause.]

Mr. McGAVIN. Mr. Chairman, I hoped that I might be spared the necessity of inflicting myself upon the House at this session, but as this bill involves a question in which the people of Chicago are particularly interested, I consider it my duty to say a word.

In my desire to do something to relieve the situation in Chicago I introduced a bill in this House for the erection of a post-office building on the West Side of the city. It was not my intention to make it a sectional question there, but simply to carry out a plan which I believe to be a good one, namely, the erection of a building near the union depot, through which passes about 50 per cent of Chicago's mail. The scheme would have the further virtues of being near the great retail district of the South Side, be more convenient to the great mail-order houses on the West Side, and at the same time be away from the congested portion of the city, where the ingress and egress are interfered with by the great number of vehicles and street cars which constantly pass along the busy streets surrounding the present post-office, and which is one of the numerous handicaps of that building.

But, Mr. Chairman, when we make a proposition of this kind we are told that Chicago just had a new post-office building. That statement is partially true. We have a Government building which, I understand, houses about sixty departments of the Government—the post-office occupying the lower floors, the mailing division being in the basement and reached by means of a driveway declining from one street through the center of the building, then up to the street on the opposite side. But it did not occur to the contractors, it seems, that it would also be necessary to get out, and now in rainy or slippery weather it is impossible for teams to draw the wagons out of that driveway, and consequently they are blocked and the mails delayed. I understand, Mr. Chairman, that it was not until the building was completed in other respects that it occurred to the parties in charge that no mail chutes had been put in. They seemed to have entirely forgotten that they were building a post-office. This building is a dream of architectural beauty, but not a respectable apology for a post-office.

The exigencies of the times demand that public buildings be built for utility rather than for beauty, for business rather than for political purposes. It seems to be the consensus of the opinion of experts that in large cities post-offices should be built exclusively for post-office purposes. In the old temporary post-office at Chicago, a building two stories high and situated away from the congested part of the city, our department was well housed, the mails handled conveniently, and the work was much lighter on the employees. But to-day all this is changed. The mails are frequently delayed from twelve to twenty-four hours, and the rooms are dark and congested, and the work almost unbearable. The men in the mailing division of the Chicago post-office, I understand, average about eleven hours per day, and theirs is the hardest kind of work. These are conditions that should not and would not be tolerated by the employees of a private corporation, and which would not exist in Chicago to-day if her post-office department got what it is properly entitled to. And this brings me up to an incident to which I desire to give a passing notice. After the urgent deficiency bill had passed this House and before it had reached the Senate, Postmaster Busse, of Chicago, came down to Washington post haste and asked Congress to make an increase in the allowance for Chicago. An amendment was inserted appropriating an additional $60,000, and that amendment was concurred in by the House. Chicago wanted 225 clerks. She got 75, and the money for the hiring of the balance seems to have been diverted to other channels. Congress is not to blame for the way the money was used, except because of the rule which prohibits the express statement as to what purposes the money is for. I want to know if that is our idea of right. I want to know if Congress has no control over the money after it is appropriated, and if its expenditure is left entirely in the discretion of the Department; and if that is true, what assurances we have that the money we now appropriate will be used for the purposes for which it was intended? The $60,000 referred to having been appropriated at the instance of the Chicago postmaster, there could have been no question of what the intention of Congress was, no more than there could be if it had been expressly stated in the bill.

Mr. Chairman, where a private individual or corporation has a large dividend-paying establishment and numerous smaller nonself-supporting ones, instead of spending large sums of money on the smaller ones, it extends the larger one and increases its force, and consequently its output. This should be, though it seems it is not, the policy of the Government. With one year's net revenue from the Chicago post-office the Government could provide for Chicago in post-office facilities for the present generation at least.

Doing a larger business than all the Presidential offices in

the State of Pennsylvania; a larger business than all the Presidential offices in the States of Ohio and Indiana combined; more than the entire business of the cities of Philadelphia, Boston, Brooklyn, and St. Louis, in view of the immense amount of money that has been expended in these places, it seems to me that our requests are not unreasonable.

But Chicago is not suffering from a lack of facilities alone. It has been for some time suffering from a lack of help. I have called your attention to the manner in which Chicago was treated in the matter of the appropriation in the urgent deficiency bill, and I would here like to call to the attention of the House two letters, dated February 5, addressed to Mr. Fred A. Busse, postmaster, Chicago, Ill., and signed by F. H. Galbraith, superintendent of mails of the Chicago post-office, which read as follows:

CHICAGO, ILL., *February 5, 1906.*

Mr. FRED A. BUSSE,
Postmaster, Chicago, Ill.

SIR: In compliance with departmental instructions, fifty-five temporary clerks were dropped from the rolls of this office on Thursday, February 1, 1906. Three working days and one Sunday have passed since this curtailment of the force was made effective, and while you have received a daily report on the subject, yet I attach hereto a copy of each one of these reports in order that they may serve again to remind all concerned of the miserable kind of service we have been giving the patrons of this office during the past few days. It goes without saying that every letter, daily paper, market report, and, in fact, all matter mailed at this office should be forwarded by the first available train. However, it is now apparent to the local post-office officials that the business can not be properly handled unless we are provided with ample facilities, which, of course, includes an increase in the clerical force.

The conditions are such in the building which we are now occupying that it requires at least 150 more men to handle the business than it requires in the old quarters on the lake front. This addition to the force is absolutely necessary in order to enable us to handle in the same length of time the same quantity of mail that was handled in the old building. Nevertheless the working force has not been increased to meet the changed conditions, and, furthermore, there has in the meantime been an enormous increase in the volume of business handled. The quantity of mail handled at this office has increased fully 15 per cent during the past year, and although we have moved into a building that requires extra labor in handling the mails, yet we have no emergency fund on hand with which to employ temporary clerks, while one year ago from forty to sixty-five temporary men were employed daily.

At the present time the men are very much discouraged because of the long hours of duty. This condition is serious, but even more serious is the improper manner in which the public business is being handled in this office. It is a question as to how long the clerical force and the patrons of this office will tolerate such conditions. The clerks are tendering their resignations at an unheard-of rate, 118 having been received during the past three months. The business men of this city have made many complaints relative to delays in dispatch of their mail, but with a few more days' experience such as we have had since the first of this month the complaints will, without doubt, exceed anything we have known before.

As stated many times within the past few weeks, both verbally and in writing, it will not be possible to give the people of this city the service to which they are entitled unless the clerical force in this office is increased by the permanent appointment of at least 200 additional clerks.

Respectfully,

F. H. GALBRAITH,
Superintendent of Mails.

CHICAGO, ILL., *February 5, 1906.*

Hon. FRED A. BUSSE,
Postmaster, Chicago, Ill.

SIR: You are well aware of the fact that the conditions in the new post-office building are adverse, and that we are confronted on every side with the necessity for more men than were necessary to perform the work at the temporary building on the lake front. The machinery is frequently out of order; breakdowns and clogged chutes make it necessary to take men from their regular assignments and put them to work trucking mails. For example, when conveyor No. 11 breaks down, or when it has insufficient capacity, large quantities of mail must be trucked from the north end of platform to the elevator at south end, where they are raised two floors and then trucked to the north side of the building through narrow aisles which at times are badly crowded with trucks moving in the opposite directions, a total distance covered by truckers of nearly a quarter of a mile.

The force of laborers were employed in one section in the old building, and they were therefore able to work together to good advantage. In the new building this force is divided on conveyors Nos. 4, 5, 6, 9, and 11, and divided again for the reason that attention must be given these conveyors in the basement as well as on the second floor. The same thing in a lesser degree applies to the numerous chutes, and they are at times out of working order. The cases are spread out shoestring fashion around the outer edge of a wall 1,340 feet in length, and the trucking required on second floor is now a good big job, requiring the services of many more laborers than in the old building. The bag room is located in such an out-of-the-way place that it requires a great deal of trucking to handle the immense quantity of surplus and defective equipment turned in here from a dozen neighboring States.

We have been compelled to get along without proper light in many places, and also to do considerable janitor and carpenter work where it was an absolute necessity. The platform and driveway facilities are abominable, and in order to handle the business it has not only been necessary to divide the platform force by sending men over to Station U, and others under and over the Dearborn street sidewalk and also at entrance and exit to the driveway, but it has also been necessary to assign a large number of additional men to the platform proper. In fact, many of the various mechanical devices, while absolutely necessary, are not labor savers in any sense of the word; instead, they require many men to care for them and to operate them as planned.

The long distances, the lack of means of communication, the frequently recurring makeshifts made necessary by stoppages of machinery all contribute to our embarrassment. To summarize the situation, will say that with the same amount of work to be performed in the same period of time conditions are such in the mailing division as to make necessary the employment of at least 150 more men than were required in the old building.

The mails have increased about 15 per cent during the past year, and this in itself, without considering the handicap in the new building, should give the mailing division about 7 per cent increase in the force, or about 65 men. This added to the number of additional clerks needed because of changed conditions make a total of 215 men, and I am certain that even that addition to the clerical force will not decrease the time of working schedules to an eight-hour basis after the 1st of March, when the advertising rush will begin.

All told, not less than 200 clerks should be provided at once; otherwise it will not be possible to give the patrons of this office the prompt and efficient service to which they are entitled.

Respectfully,

F. H. GALBRAITH,
Superintendent of Mails.

Commenting upon the situation in Chicago, Mr. Chairman, the Chicago Record, in an editorial in its issue of February 7, says:

CONGRESS'S CONCERN WITH LETTERS FROM CHICAGO.

It is an unfortunate truth that Congress can never keep up with the Chicago pace. Congress is usually able to comprehend how much mail goes through the Chicago post-office about three years too late. It usually gives the postmaster the number of clerks he ought to have had several years before. It would be wiser if it gave him the number of clerks he will need a year or two in advance.

The results are serious. Clerks are brutally overworked. Mail matter is seriously delayed. The postmaster is compelled to spend time traveling back and forth between Chicago and Washington in a vain endeavor to get the wherewithal to do his work, when he ought to be free to stay here and direct the work on the spot.

Just at present the Chicago post-office is again suffering from an acute attack of shorthandedness. Last Friday the overtime of the staff of 709 clerks and laborers engaged in handling the mails was equivalent to the labor of 234 men for eight hours each. On that day 205,900 letters missed mail trains they should have reached for the sole reason that the post-office did not have human hands enough to handle them. Such facts are the strongest of arguments for a provision of more cash and more men.

Much is said these days about the relation of business to politics. In this post-office matter not enough is said. Business should be given the mail facilities it needs. Politics should be on the keen watch to make those facilities ample.

The need in this case is not a mere Chicago need. Every letter has its point of destination as well as its point of origin. Delay in the Chicago post-office does a total injury of which Chicago by itself suffers only one-half. Every Member of Congress has constituents every day who suffer from the Chicago blockade.

There must be some way by which Congress can provide the additional employees who are immediately needed. That way should be found and acted upon before the evil grows worse.

Similar commentations have been made by the other newspapers of Chicago.

The question has been asked numerous times as to who is responsible for the conditions which prevail in Chicago, and it is usually sought to shoulder a great deal of the responsibility upon the architect and the contractors. They may be in a measure responsible, but there are also other causes. The present post-office in Chicago having been begun in 1897, following the panic of the immediate preceding years, it was impossible for the Treasury Department or the contractors to anticipate the great prosperity that was to come so soon to this country. It was just as impossible for them to foresee the enormous increase in the post-office business of Chicago as it was for you and I, Mr. Chairman, to even harbor a thought that out of the black night of business chaos and disaster should rise the sun of prosperity, more radiant in her beauty, more magnificent in her splendor, and more constant in her devotion than she had ever been since her amorous lips first kissed the cheek of this blushing young Republic. [Applause on the Republican side.] And right here, Mr. Chairman, I might say a word in reply to the argument made by my colleague the gentleman from Illinois [Mr. RAINEY], in his debate this morning, commenting upon the question of the tariff on watches. It was brought out by a question from the gentleman from Connecticut [Mr. HILL] that the Democratic party were not as sincere in their desire for tariff revision when in office as they were when out of office, and this was shown by producing the schedule which existed under the Wilson bill, which proved that it was 25 per cent ad valorem—practically the same as now. No gentleman on the other side would rise in defense of that Wilson tariff schedule, and it remains for me, Mr. Chairman, as a Republican, though not as a strict stand-patter, to defend it by saying that it did no one in this country any harm. People were not buying watches in those days. Everybody had plenty of time. [Laughter and applause.] Even the keenest appetite, fortified by the most perfect digestive organs, would fail to appreciate a metal salad in the form of a Waltham watch as a fitting substitute for beefsteak and bread. [Laughter and applause.] It is a custom, Mr. Chairman, of the gentlemen upon this side of the House to charge to the Republican party all the joys that this country has experienced since the passage of the Dingley tariff act. If that is true, then I want to hold them responsible for one thing, which may or may not be to their credit, for I believe that the Dingley tariff bill is in a measure responsible for the present intolerable conditions in the Chicago post-office, for had it not been for this measure the business would probably never have

increased as it did, from $5,000,000 to $12,000,000 during the construction of the present building. [Laughter.]

Mr. Chairman, in behalf of the post-office department at Chicago, the newspapers, the business men, and, above all, the men upon whose shoulders falls the heavy work, I ask that Chicago be given that consideration which she so justly deserves. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURTIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5521. An act to authorize the Tyronza Central Railroad Company to construct a bridge across Little River, in the State of Arkansas; and

S. 5438. An act to establish a light and fog signal in New York Bay at the entrance to the dredged channel at Greenville, N. J.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 87) providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 12286. An act granting relief to the estate of James Staley, deceased.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. OVERSTREET. I will ask the gentleman from Tennessee to consume some of his time now.

Mr. MOON of Tennessee. I yield one hour to the gentleman from North Carolina.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, there are several matters connected with postal affairs that I would be glad to discuss, but I feel impelled to devote the time allotted to me in discussing the item in the bill designated, I believe, by officials as the "special-facility" appropriation, but commonly known as the "subsidy." I could have contented myself with voting against this item without giving the reasons of my opposition if prominent citizens and influential business organizations had not been more than usually active in urging my support of it. In former years, when I received resolutions from city officials, boards of trade, manufacturers' clubs, or chambers of commerce favoring it, and by letter replied to them that I had investigated the matter and considered it unwise, unnecessary, and contrary to just principles, I was permitted to vote in accordance with my judgment, with no unkind criticism from my constituents, so far as reached my ears, except from the adherents of my political opponent in the campaign of 1902. I knew, of course, that my position was not satisfactory to the companies into whose coffers this money went and that my votes had incurred their disapproval.

But, Mr. Chairman, this year I have received so many resolutions and letters, many of them from my own district and some of them expressing a desire to know the grounds of my opposition, that a respect for their opinions, a desire for their good will, and a hope for their approval require me to consume this time upon this subject.

It may be, Mr. Chairman, that had I hesitated to discuss this matter it would have been attributed to, if not justified by, a very natural disposition—an unwillingness to become a target for the assaults of the demagogue. When I recall that the main line of the Southern Railway, the chief beneficiary of this appropriation, runs through the district that honors me, and that this company operates in every one of its counties, having more than 350 miles of line in operation in the district, and think of the demagogic charge which will be repeated against me this year if my party shall again nominate me, that I have "voted against helping a southern enterprise," that I have "opposed the interests of my constituents," I would shudder for my political fate if I did not have confidence in the integrity and intelligence of the people. [Applause.]

Mr. Chairman, due consideration should always be given to the resolutions received from his constituents by a Representative. If he should believe that such resolutions represent the judgment of a majority of those who sent him here, and that such majority with full information wishes to instruct him how to vote, it would at once become his duty to comply with them or resign. No such condition confronts me. I am satisfied that to-day the overwhelming majority of my constituents are not in favor of this "subsidy," and that upon a full understanding of the facts and principles involved not 500 Democrats could be found within the entire district who would advise me to support it. I believe that a majority of the members of the very organizations which have communicated with me would approve my position. This is no reflection upon them, but a compliment to their candor.

Busily engaged as they are in developing the resources and contributing to the wonderful progress of the South; their energies devoted to occupations and pursuits which limit their time for research and consideration upon the manifold questions of legislation upon which, from one influence or another, they are called upon to express themselves; the information furnished them so frequently being given by interested parties and upon one side only of a proposition; their lack of direct responsibility for the legislative action, relying, as they so often do, upon the judgment of those whom they have chosen to represent them and who, on account of having the time to more thoroughly investigate such questions and the opportunity of hearing both sides, are in a better position to reach the right conclusion—all these tend to secure the passage of resolutions by such organizations without a thorough knowledge of the facts and a full consideration of the principles at stake and without that care and deliberation which they would exercise before requesting their city council to institute an important enterprise. As an illustration, the head of one of the most prominent business organizations in my State, a gentleman of ability and accuracy, who forwarded to me the resolutions of his organization in favor of this item, in reply to a letter from me asking the reasons for thinking his city would be deprived of adequate mail facilities in case of the defeat of this item, stated that he delayed answering until he "could make some investigation and answer more intelligently," plainly indicating, it seemed to me, that sufficient investigation had not been given the matter prior to the passage of the resolutions. Frequently, however, such resolutions are of the soundest principles and of the highest merit. I give all resolutions consideration and am always glad to receive them, and especially from my constituents, but when one reaches me upon which I have reason to think my information is wider and more accurate and whose underlying principle I can not indorse, I shall adhere to my own judgment in the matter.

The items which I am now opposing read as follows:

For necessary and special facilities on trunk lines from Washington to Atlanta and New Orleans, $142,728.75: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

For continuing necessary and special facilities on trunk lines from Kansas City, Mo., to Newton, Kans., $25,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Under the regular pay, exclusive of the subsidy, the trunk lines from Washington to New Orleans, for transportation and cars, receive from the Government the sum of $1,227,437.09.

It seems no one can speak for this special appropriation without relying upon the provisions apparently placing it in the discretion of the Postmaster-General. As to this let us see how the Department regards it. It puts the entire responsibility on Congress, where it really belongs. (Page 339 of last hearings.) In this House on April 26, 1900, the Assistant Postmaster-General's testimony on this point was quoted as follows:

Although on its face it appears to be a discretionary power, yet when Congress, after full debate year after year, has put this provision in the bill and made the appropriation, the Post-Office authorities can not construe it otherwise than as indicating the wish of Congress that it shall be spent, and have understood it as mandatory.

On the same day the Postmaster-General's testimony touching it was quoted as follows:

Well, the Department would have power to withhold it, but having recommended to Congress the advisability of withholding it, the Department is bound to assume that Congress desires the appropriation to be expended so long as it is made.

In the hearing this year, on page 323, the Assistant Postmaster-General says:

We still adhere to the policy of not recommending or estimating for any special facility service anywhere in the country.

And he adds, however, that if Congress appropriates they will continue to use it to the best advantage. So without doubt the Department, regardless of the provisions attached to the appropriation, considers it mandatory on it to expend it. When the money is appropriated how can you expect a Department official to withhold it from the railroads? Congress expects them to get it. Do you think Congress would appropriate this subsidy if it did not want the railroads to have it? Certainly not. No man votes for it unless he wants the railroads to get it, and this is the view the Department must take of it. If a gentleman here votes for it who does not want the railroad companies to get it, I would be glad to hear him say so.

Now, Mr. Chairman, let us see how the Department stands on the policy of granting this appropriation. I quote the following from Postmaster-General Wanamaker before this appropriation was made to the lines from here to New Orleans and insist that his statements are just as sound now as then and apply with equal force to this appropriation:

I believe the granting to a few and refusing to extend like compensation to the many who are performing as good or better mail schedules is a source of injury to the mail service. The preferential method should cease or all who expedite the mails should be granted the same benefit. (His report for year ending June 30, 1902.)

In his letter of date February 25, 1892, to the committee, he said:

I do not believe there exists occasion for perpetuating the preferential method whereby a limited number would be paid both ordinary and special transportation and full car compensation, while other railroads performing precisely the same character of service can be allowed nothing more than the compensation which we are by statute permitted to pay for ordinary transportation.

Again, he says:

When the special facility payments were first started it was well understood that they were but temporary, so as to bridge over a period until the natural growth of the mails would yield sufficient compensation to do away with occasion for additional compensation.

He further said—and this was long before the Southern was subsidized:

The distance from Washington to New Orleans via Atlanta is 1,143 miles. The time for the most important mail train averages 35 miles per hour.

Mr. Chairman, one of the subsidized trains to which I will again refer now, fourteen years later, with all the incidental improvements during that time, averages less than 35 miles an hour. From the days of Mr. Wanamaker till now not one Postmaster-General has ever recommended this appropriation. The present officials do not favor it. General Shallenberger does not recommend it or estimate for it. He says in the hearings:

We would estimate if we desired it.
We are not asking it, nor expressing opinions in reference to it.
I have not said I think it ought to be retained.

He further said:

I think for the good of the service at large it is better that no special favors be given to any particular road or system.

But, Mr. Chairman, one of the most direct recommendations against this appropriation is found on page 9 of Postmaster-General Cortelyou's last report. He says:

Curtailment has been recommended wherever possible, and many decreases are shown, of which the following are examples: Railway transportation, special facilities, $167,728.75.

Thus he names these two items together as the first example of those which he recommends to be omitted from this bill.

They are alike in principle, and as the fate of the smaller appropriation doubtless will follow the larger, I shall confine my discussion to the larger one. Since no Postmaster-General has ever recommended this appropriation, since for more than a dozen years it has been omitted from the estimates of the Department submitted to this body, the burden of sustaining it properly belongs to those who advocate it.

Mr. BLACKBURN. Will the gentleman allow me a question?

Mr. WILLIAM W. KITCHIN. Yes.

Mr. BLACKBURN. What was the result of the investigation of the committee as to the difference in time?

Mr. WILLIAM W. KITCHIN. I am going to discuss the time. I think I have given this matter full investigation, and if the gentleman will listen I think I can show him he ought to vote against these items. Let us consider the reasons given in its support, both in this House and elsewhere; and as I proceed if I should state any fact that anyone has reason to think incorrect, I would be glad to have my attention called to it. So far as I can recall, no reason is now given that has not been given for a dozen years. Every argument made in behalf of its continuation now, when Nos. 37 and 97 get the appropriation, were given years ago, when No. 35 got part of it, and I challenge its advocates to give a new reason.

The same sweeping assertions of its great accomplishments, and direful predictions of inadequate facilities in case this appropriation was discontinued, were made long before No. 97 was created. We were told that without this appropriation No. 35 could not run. To-day No. 35 does not get a dollar of it, but it runs, and runs under the advertised name of the "United States Fast Mail." The record is full of fears and declarations that without special recognition on the part of the Government the so-called extraordinary service which was given before No. 97 was heard of, and of which No. 35 was the main train, could not possibly be maintained. We heard the same arguments three or four years ago about the subsidy from New York to this city, and in fact then the stress was put on the New York train and the necessity for a subsidy for it. The subsidy was discontinued from New York to this place, and now we have a better schedule than then. Mr. Chairman, once we had subsidies from New York to Springfield, from New York to Albany, from Baltimore to Hagerstown, New York to Philadelphia, Philadelphia to Washington, and these subsidies were discontinued, and I am informed not a single train was discontinued in either case, but that the service was just as good after discontinuance of the subsidy as before. I further understand that in one case the railroad company stated that discontinuance of the subsidy would not affect the situation.

Another thing in this connection is that the speed of a train does not depend upon subsidies. There are many trains in the United States carrying mail that make better time than the subsidized trains. The Southern runs six passenger trains daily from Washington to Charlotte, N. C., and also No. 97, which is a mail and express train. One of the passenger trains, leaving Washington at 10.45 at night, No. 37, is a subsidized train. It runs to Charlotte in ten hours and forty minutes. No. 31, which runs daily, except Sunday, goes to Charlotte in nine hours and thirty-eight minutes, or one hour and two minutes quicker than the subsidized No. 37. It ought to be needless to refer to the argument that the appropriation goes to a southern enterprise, and therefore should have support, though such has been a serious contention in this House in the past. One of my constituents wrote me that it "was coming our way." As far as the money is concerned, it goes to the railroad stockholders, the vast majority of whom do not live in the South. Referring to this very appropriation a present member of the Cabinet in 1899, then a Member of this House from Massachusetts, said that the only people who were benefited by this appropriation were the stockholders of the railway, and he called it a gift to the railroads. While the trains go South, nearly the whole appropriation goes elsewhere. It has always been beyond my power to comprehend how the justice or the right of a thing depended upon its locality. For myself, I fail to see how any appropriation, otherwise wrong, can be made right because of its "coming our way." [Applause.] If it is right, to support it by such an argument tends to discredit it, as it is an appeal to selfishness and not to judgment.

It has been argued that this appropriation aids in building up the industries of the South. This presupposes that this appropriation gives the South her postal facilities, which we deny, and this is one of the disputed facts. Proper mail facilities no doubt aid the country, but whether the subsidy creates such facilities or whether the business of the country creates them is one of the issues. I contend that the business of the country creates and of necessity requires just such facilities as the railroads furnish, and that no facilities are furnished to the South except such as are essential to the railroad's continued enrichment from her business and industry. I deny that the Southern put on either of the trains running from this city until there was a direct and immediate necessity therefor in order to handle its traffic with proper dispatch. The amount of that traffic has fixed and its demands have created the service which the company is furnishing. The company was created to serve the public. It grows rich by it. The public has made it, not it the public.

Mr. LAMB. Has it not contributed a good deal toward that prosperity?

Mr. WILLIAM W. KITCHIN. The railroad has been an essential element in it, but this in no way affects my argument. There are many able advocates of this subsidy around me who will again vote for it, as they have voted for it heretofore. When you come to reply, since the Department did not recommend these items, the burden is yours to show their necessity and propriety. You can not deny the facts I shall state, for I have taken them from the best available statistics, and I challenge you to refute them. I repeat, the business of the country has made the railroad. As the industry of the people has developed it has extended, as it had to extend, its freight and its passenger service. But some one says, Look what service the system gave the people fourteen years ago before it got this subsidy and mark now the great improvement. He seems to forget that in that time there has been great improvement on every great railroad system in the country. You can name no great railroad that has remained stationary upon its service of fourteen years ago. The improvement in mail trains does not exceed, if indeed it equals, the improvement in through freight service.

Can any process of reasoning conclude that, except for the subsidy, the Southern Railway of all the great systems would alone have made no progress in its public service since 1892? Did it of all the systems alone require special help and discriminative favoritism to encourage it to keep up with the progress of the times and properly serve the great section that has

poured millions into its treasury? I refuse to entertain the thought, and I remind this House that, in his report for the year ending June 30, 1892, before the Southern got this subsidy, the Postmaster-General complimented the Richmond and Danville (now the Southern), along with three other roads operating in the South, with expediting the mail to a great extent.

Mr. FINLEY. Does the gentleman know how long it was after this appropriation was voted by Congress before No. 97 was ever put on?

Mr. WILLIAM W. KITCHIN. The gentleman anticipates me. But another one says this subsidy gives us train No. 97. This we deny. If it be true, why didn't it give us 97 twelve years ago? The Southern has been getting this subsidy since July 1, 1893. Why did it withhold from the people No. 97 for ten years if the subsidy gives the people that train? The CONGRESSIONAL RECORD of March 19, 1898, sets out a letter from Hon. James E. White, general railway mail superintendent, of date February 4, 1898, in which he said:

The Southern Railway, which is paid from this appropriation for special facilities, has not put on an extra train nor has it changed its schedule by reason of this appropriation.

Mr. Chairman, the great truth is that No. 97 was never thought of until the greatly increased passenger traffic—and under that head I class passengers, mail, and express—so loaded down its other trains that these were unable to make their schedules, and the running of another train became a traffic necessity. Why, does any intelligent person believe that train No. 37, leaving Washington at 10.45 at night, would be discontinued except for the subsidy? Can he give a reason for such belief? Yet the entire subsidy over the Southern is divided between that train and No. 97, which leaves here at 8 a. m.

Mr. BLACKBURN. Under this appropriation, is not 97 the only one that gets this extra pay?

Mr. WILLIAM W. KITCHIN. No, sir; the gentleman labors under a mistake. This subsidy is divided between 37 and 97.

Mr. BLACKBURN. I was asking the gentleman for information, and I want to ask him this further question. Does the Southern road run through your district and mine?

Mr. WILLIAM W. KITCHIN. It does.

Mr. BLACKBURN. How much advantage do your people get from 97?

Mr. WILLIAM W. KITCHIN. They get some advantage from 97, but none, in my judgment, from the special-facility provision, as I hope to show as I proceed.

Mr. BLACKBURN. That is why I asked you.

Mr. WILLIAM W. KITCHIN. Those who fear that trains Nos. 37 and 97 would be discontinued have not the faith in the Southern that I have. Should Congress discontinue the subsidy, I do not know what schedules or trains, if any, would be affected. I feel sure that none should be affected unless the increased traffic again justifies a change for the improvement of the service. I refuse to believe that that great system would act in a spirit of pique and withhold from the people whose industry and business sustain it proper and adequate facilities in accordance with their needs. The Southern collected from the people last fiscal year over $48,000,000 of earnings, of which over $14,400,000 were net. Of these vast sums, over $24,000,000 were earned in the States of Virginia, North Carolina, and South Carolina, of which over $8,400,000 were net earnings. The entire subsidy to the Southern is $80,947.50, the balance of it going to roads from Atlanta to New Orleans. In other words, out of every $600 which the Southern collects $1 is subsidy. Now, will anyone assert his belief that on account of losing $1 out of $600, which would still leave over $14,300,000 net earnings, the Southern would deprive its patrons of adequate mail facilities? Mr. Chairman, I again declare that I have more faith in the Southern than to expect that. I have more faith than the boards of trade, chambers of commerce, and manufacturers' clubs in the thriving cities along its line in its sense of justice and propriety. The total earnings of all the railroads in Virginia, North Carolina, and South Carolina for the year ending June 30, 1905, were two and one-fourth times the earnings in same States for year ending June 30, 1894. Wonderful increase in eleven years.

In the last fifteen years the capital invested in cotton mills in the South has increased from $60,000,000 to $225,000,000. The value of the cotton crop has nearly doubled. The value of manufactured products increased from less than $1,000,000,000 to $1,750,000,000—an increase of $750,000,000. The value of farm products has more than doubled, and a hundred other evidences of progress abound. These have built up the railroads; these have required the improved service; and, Mr. Chairman, I can not appreciate properly the innocent zeal and the agile comprehension of one who ignores such facts and declares that the subsidy is responsible for the improved mail facilities of the South.

Mr. LAMB. I would like to have you define a subsidy.

Mr. WILLIAM W. KITCHIN. I am going to do it. I have anticipated all of these arguments because I have read every speech that has been made in favor of this thing from the beginning, and I am ready to answer their arguments.

Mr. STANLEY. Has the gentleman ever heard of a high official of the railroad who did not promise in the way of a threat to take away from the people an advantage they have when you threaten to take away a subsidy?

Mr. WILLIAM W. KITCHIN. The Pennsylvania Railroad, I understand, about four years ago stated that the discontinuance of the subsidy from New York to this city would not affect its schedules.

Mr. Chairman, the business of the Southern Railroad system in Virginia, North Carolina, and South Carolina has grown so rapidly that its passenger earnings per mile of road operated in the last eleven years have increased from $1,675 to over $2,400 and its freight earnings from $2,325 to over $4,400 per mile; its total earnings from $4,000 per mile to over $6,800; showing an increase of $2,800 per mile, with a greatly increased mileage. Doubtless on its main line from here to Charlotte all earnings were greatly in excess of the above averages, and there is no doubt in my mind that the increase of earnings has been far greater from here to Charlotte than on any other part of the road.

Eleven years ago this system wanted and got $125 subsidy per mile to give the people adequate facilities. The road is now earning $2,800 more per mile than then, and yet it still wants $125 per mile subsidy to give its patrons adequate postal facilities, although every facility it now offers is justified and required by its increased business. Then its operating expenses in the three States named were 71 per cent of its gross earnings, now only 65 per cent, and yet the defenders of the appropriation assert that the South can not get proper mail facilities without the subsidy. Then its net earnings in these three States were $2,733,974, and last year they were $8,441,821, and still we are told it is not able to stand alone and give the people adequate facilities under the statutory pay.

In 1893, when this subsidy was first paid to this system, it ran only three passenger trains from here to Charlotte, Nos. 37, 11, and 35. Now it runs six through trains besides No. 97, so great has its passenger traffic increased. Can intelligence and candor assert that all these increased passenger trains have been put on by reason of the subsidy? There is just as much reason for such assertion as there is for the assertion that No. 97 is a product of the subsidy.

A familiar statement made by advocates of this subsidy, both in and out of this Hall, is that Congressmen vote for other appropriations which such advocates think are similar in principle, and one of the most common instances cited is the rural free-delivery service, which is not in fact, circumstance, or principle in any way related to it. It would be possible to likewise subsidize the rural service in this way; that is, give the carriers whose starting points are post-offices on the trunk line of railway from Washington City to New Orleans, and also to those carriers on the railway from Kansas City to Newton, Kans., but to no other carriers in the country, the sum of $300 each per annum in addition to the $720 they are now receiving, provided however, that no carrier should receive any of such additional pay for any day when he was more than a half hour behind his schedule in delivering his mail. Then it would be in principle like this railroad subsidy.

Doubtless many of the carriers who received such additional compensation for being prompt would desire its continuance, and its friends would have a multitude of arguments showing its necessity, and expressing fear that without it such carriers could no longer maintain such horses as would enable them to properly serve their patrons, owing to the peculiar condition of the country between Washington and New Orleans, and that if such additional compensation were withdrawn so that all carriers in the United States would be on the same footing and all receive pay under the same law, then it would be a strike at the South and her industry. [Applause.] But suppose some one thinks that some Member has voted for one wrong; will he contend that such Member is thereby required to support another? It is better to be inconsistent and right part of the time than to be consistent and wrong all the time. It is frequently urged in behalf of this item that one of the subsidized trains carries no passengers, but is an exclusive mail and express train. There are other roads that run such trains without subsidies. (Hearings, 207.) There are unsubsidized roads which do better than that and run exclusive mail trains without passengers or express (St. Louis to Kansas City, Chicago to Omaha, hearings, 208), and the route between St. Louis and Kansas City does not get as much pay per mile as the Southern

from here to Danville gets under the regular rate. There are 3,064 railroad mail routes in the United States. Of all that number only fifteen get more pay per mile than the route from here to Danville under the regular pay, and each of these fifteen gives more mail trips per week than from Washington to Danville, except three. There are scores of routes that have more trips with less pay than this one. The average pay for transportation of mails throughout the United States is $198.20 per mile.

The Southern from here to Danville gets, according to the regular rate, $1,497.10 per mile for transportation and $325 per mile for rent of cars, a total of $1,822.10 per mile for carrying the mail, exclusive of the subsidy, or $434,169.28 for carrying the mail two hundred and thirty-eight and a fraction miles, and yet there are people who think it could not give proper mail facilities without being coaxed to keep its schedules by giving it an extra bonus of $125 per mile. It is my judgment that never has there been a more unjustifiable subsidy or bonus paid from the Public Treasury to any man or corporation. From here to Charlotte this company is paid for transportation of mails and rent of cars under the regular pay the great sum of $647,253.52, but so great is the misinformation on this subject that many of the good people of that city fear that unless we continue to take from the Treasury and give this company $125 per mile to induce it to keep its schedules that the railroad company will in some way deprive them of proper postal facilities. From Washington to Charlotte the total pay for transportation of mails and rent of cars when the subsidy was first authorized was $232,742.15. It is now more than two and a half times what it was then, and yet we are told the subsidy is still a necessity. More than that, the regular pay without the subsidy now is more than two and a fourth times what the company then received together with the subsidy, but the company holds on to the subsidy and will forever do so until Congress does its duty by discontinuing it. From here to Charlotte, under the regular rates, the Southern is paid more money per mile for carrying mail than any other road gets in the United States south of the Potomac and Ohio and west of the Missouri rivers, and yet gentlemen think it ought to have the subsidy.

Mr. GILBERT of Kentucky. How much do the trunk lines from here to New Orleans get?

Mr. WILLIAM W. KITCHIN. From here to New Orleans, $1,227,437.09, exclusive of the subsidy.

Mr. WM. ALDEN SMITH. That is based on the weight?

Mr. WILLIAM W. KITCHIN. On the weight, at the regular rates paid all roads.

Mr. WM. ALDEN SMITH. That is, on the volume of business?

Mr. WILLIAM W. KITCHIN. On the volume of business, without any preferential involved in it.

Now, Mr. Chairman, of all I have heard or read on this subject, and I have endeavored to make a thorough research concerning it, while I have encountered many fears that train No. 97 would disappear with this appropriation stricken out, I have found but two expressions of opinion, so far as I can recall, that such would be the result—one in a letter and the other expressed in this House by a Representative during a discussion in February of last year.

So far as I am informed, no man anywhere believes or even fears that the other subsidized train, No. 37, would be taken off. It will occur to everyone that some official of the interested railway companies would expressly declare that these trains would be taken off without the subsidy, if such would be the effect of the discontinuance of the subsidy. No official has made such declaration to this body or its committee, for the simple reason, in my judgment, that no official believes it.

Mr. JOHNSON. I would like to ask the gentleman if any official of the Southern road appeared before the Committee on Post-Offices and Post-Roads?

Mr. WILLIAM W. KITCHIN. I am not on that committee, but suppose the Southern Railroad thought it was unnecessary for it to appear there, where had been developed so much friendship for it in times past on this proposition. [Applause.]

The railroad can not handle its mail, express, and passenger traffic from this city to Charlotte with two less trains than it now operates. Doubtless the day is not far distant when another train will have to be added to the present number. As I before intimated, I have no idea that either of these trains would be discontinued, unless the company should act in a spirit of resentment, and this I will not anticipate; but, on the contrary, I anticipate that it will continue to serve its patrons on business principles. One effect, I think, might follow, and regardless of the subsidy may follow, and that is other cars may be added to No. 97—maybe passenger cars. If such added cars should reduce its speed to the present speed of No. 31, it would reach Charlotte, N. C., eighteen minutes later than it now reaches Charlotte, and would reach Atlanta about thirty-two minutes later than it now does, which to the citizens of Atlanta would mean nothing, as it can make no difference whether their mail reaches there at 11.15 at night or an hour later, as people do not open their mail at midnight. Even as it is now it reaches Charlotte at 5.15 in the afternoon; and if we allow a reasonable time for it to reach the post-office, be opened, and delivered we will find that it is after business hours.

I want to call your attention to the fact that No. 97 was not put on by requirement of the Post-Office Department, as some may think, and its speed was not regulated by the Department. The Post-Office Department does not regulate the speed of any train. The Post-Office Department does not know the engines, roadbed, or other conditions upon which the speed of trains is determined. It has never undertaken to regulate the speed of a train. In regard to this particular train, it exercises sufficient control to hold it on its starting time some little after its regular schedule, if necessary to make connections.

Mr. WILLIAMS. Until the arrival of the New York train?

Mr. WILLIAM W. KITCHIN. Yes; if the New York train is not very late.

The portion of the subsidy which goes to it would not run a train which otherwise would be unnecessary and unremunerative. We have been told that the Coast Line voluntarily quit asking for the subsidy, though it continued to run the train which got all of it, because it would not maintain certain schedules for it. If that is true, does anyone think another road would, on account of the subsidy, put on an otherwise unnecessary train, which would get only one-half of it? And is it not reasonable and is it not the fact, as I believe it, that the Southern is running only those trains which are necessary to its traffic, and running them only at such speed as itself fixes, and starts them from this city at such times as it deems best for its business and the accommodation of its patrons, as every road is in duty bound to do? If under these circumstances, in addition to the regular revenues which come to all roads alike, it can also get from the public Treasury these extra thousands of subsidy for its stockholders, in these days of frenzied finance it will not hesitate to do it; and if Members of Congress intend to give this subsidy until the conscience of the favored railroad companies cries out against it, we had as well place it among our permanent laws and confess to the world that we have been unequal to the task confided to us by the people. [Applause.]

The responsibility is upon us, not upon others, and not upon the Department. We are the ones who ought to stand between the grasping greed of all great corporations and the people's Treasury. [Applause.] If you authorize the expenditure of this money to great corporations that will certainly bring pressure upon any official to get it into their own coffers, you need not expect any one official to resist their demands, if we ourselves can not resist them.

Mr. DICKSON of Illinois. Mr. Chairman, will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman yield?

Mr. WILLIAM W. KITCHIN. Yes.

Mr. DICKSON of Illinois. Mr. Chairman, the Pennsylvania Railroad Company runs a special mail train out of St. Louis to Pittsburg, running through my district in southern Illinois. I ask this question, because the gentleman seems to be familiar with these subsidies and the postal-car regulations. That train carries nothing but mail, not even a coach. It is a special mail train.

Mr. WILLIAM W. KITCHIN. Yes; there are many such trains in the country.

Mr. DICKSON of Illinois. I want to ask the gentleman, purely for information, whether he knows if that line received any subsidy or remuneration from the Government outside of the regular mail pay, or whether it has ever received any?

Mr. WILLIAM W. KITCHIN. I do know that it is not receiving any. I do know that for many years not a cent of subsidy has been paid except to the through line from here to New Orleans, and to the Santa Fe road from Kansas City, Mo., to Newton, Kans. The only other line that has received a cent of subsidy in thirteen years is the one from here to New York, and the subsidy to it was discontinued several years ago.

Mr. Chairman, I think I can show that the train No. 97 is a highly paying, probably the best paying, train, exclusive of the subsidy, which the Southern operates between here and the city of Charlotte in proportion to its expense. It would be foreign to this debate to discuss at this time the excessive rates charged by railroads for freight and passengers. In what I am now about to say I shall not discuss the capitalization of the Southern, though

I will note in passing that the letter of ex-Senator Chandler of February 5, 1906, says its one hundred and eighty millions of stock is all water, nor will I discuss the regular mail pay under the statutes, which I believe to be excessive, nor the fact that the Government pays rent for each of the postal cars used on No. 97, and 37, too, as for that, from here to Atlanta, something like $16,000 each year, or about three times the average car rental—this being true, since postal cars of that class get every year from the Government $25 per mile of daily use—the rental of cars by the Government being also excessive. It has been stated in the House that the Government pays the railroads four times as much as it costs to carry the mails. The Second Assistant Postmaster-General in his report tells us that the companies plead for the through mail wherever there is competition. I would be glad to see the proper committee of this House propose a reduction in the regular mail pay and in the post-office car rentals. But taking things as they are, I propose to show that No. 97 is a train of great profit to the railway company, exclusive of the subsidy. I presume that it carries the same proportion of the mail from Danville to Charlotte as from Washington to Danville. In a letter replying to an inquiry from me, General Shallenberger, the Second Assistant Postmaster-General, on February 23, 1906, said that at the last quadrennial weighings it was computed that No. 97 carried 35 per cent of the whole weight of mail between Washington and Danville, and that 35 per cent was 45,183 pounds.

Now, Mr. Chairman, No. 97 therefore gets 35 per cent of the transportation mail pay. The entire regular mail-transportation pay from here to Charlotte is, exclusive of car rents, $525,974.52, and 35 per cent thereof, which goes to No. 97, is $184,091.08, to which add the rental of the three post-office cars to Charlotte, $28,521, and we have a total of regular pay for No. 97 from here to Charlotte of $212,612.08; and, of course, it gets large pay from Charlotte to Atlanta, but not as much per mile as from here to Charlotte. There is not so much mail handled between those two places as from here to Charlotte, and there is not as much from Danville to Charlotte as from here to Danville. To this must be added what No. 97 receives from the express company, for it is a mail and express train. We know that a carload of express is much heavier than a postal carload of mail, perhaps three times as great, as the postal cars must have racks and plenty of space for the clerks to conveniently distribute the mail. But suppose the Southern's No. 97 only collects from the express company one-fourth of what it collects from the Government, which would be $53,153.02, then it earns from here to Charlotte, exclusive of the subsidy, $265,765.10, while its part of the subsidy from here to Charlotte is $23,767.50. With these facts staring one in the face, can he contend that a train that otherwise earns $265,765.10 will be discontinued if the subsidy is withdrawn? [Applause.] I do not believe that another train of the Southern earns as much as this one, according to its expense. I desire here to say that if any of my estimates or calculations are erroneous and any authorized railroad official will give me the exact facts and figures sustaining them, I will be glad to correct my remarks, even if I have to make another speech to do so. I will add however, that I have made inquiry, both of the railway company and the express company as to the quantity of express handled on train No. 97, and both replied that they did not have the information.

Another fact, for the year ending June 30, 1904, being the last year for which I have been able to get the statistics on this point, the average earnings of the Southern's passenger trains in Virginia, North and South Carolina, and these earnings include passenger, mail, and express, were less than 99 cents for each mile such trains ran, while the average earnings of train No. 97 from here to Charlotte, exclusive of the subsidy, according to figures above stated, are $1.91 for each mile run, or nearly double the general average.

Let us consider the matter in another way. If my estimate above is correct, then, exclusive of the subsidy, train No. 97, from here to Charlotte, earns each day from mail and express the sum of $727, while its daily part of the subsidy is $68.12. Now comes the question of its average daily expense, and of this I speak not as an expert, but as one who would be glad to have the exact figures if they are in existence. I shall give you my own estimates, but shall be glad to correct them if wrong. I understand that from here to Charlotte, a distance of 380 miles, three engines are used on No. 97 and three engine crews, though the last engine and crew go far beyond Charlotte, and therefore I estimate for two and a half crews from here to Charlotte. The Government of course pays the mail clerks, and the express company pays its men, and the train carries no baggage. Let us estimate that the engineers are paid $8 apiece, or $20 a day, and the firemen $4 apiece, or $10, making the daily cost of enginemen and firemen on No. 97 from here to Charlotte $30. Suppose the conductor and his help together get $15 a day, and that oil, water, coal, and other material cost $82 a day, at a very liberal estimate, which will make a total cost of the train from here to Charlotte of $127 each day, or of $46,355 a year. But to this cost should be added the train's proper part of the expense of the maintenance of the offices, shops, roadbed, repairs, etc., of the company, which I will put at $100 a day, or $36,500 a year, making a total cost chargeable to this train of $227 per day from here to Charlotte, or $82,855 a year, leaving a daily net profit of $500, or a clear profit of over 200 per cent, or a yearly profit of $182,500, exclusive of the subsidy. If it carries the express on a free pass without charge, then on the mail alone this train clears $130,000 a year, or more than 150 per cent profit.

Now, then, who will say that as a business proposition this railroad would discontinue this train if we vote away from this train $23,000? [Applause.] No; so I maintain if it ever discontinues this train it will be in a spirit of pique and resentment, because the representatives of the people, acting upon their judgment and conscience in this matter, refuse to gratify the greed of the company by a bonus. [Applause.]

Notwithstanding all these facts, Mr. Chairman, many of my constituents have been so misled on this subject that they urge me to vote to give the company this subsidy. And more than that, some prominent newspapers of the South, some of them in my State, have endeavored to reflect upon and embarrass those of us from the South who refuse to sacrifice our judgment and conscience upon this matter. One paper named me and said that in voting against this subsidy I would vote against my section of the country. One has declared that the appropriation is opposed in ignorance and stupidity or from a malignant attempt to hurt the South. This paper probably never gave the question an hour's research or a moment's consideration. If with full knowledge it made that declaration, it only shows to what lengths of error and vituperation the defenders of injustice and favoritism will go in assailing the motives and character of those whose facts they can not deny and whose argument they can not answer.

Another paper has commented on the fact that while the gentleman from Indiana [Mr. OVERSTREET] champions this appropriation, it is opposed by some Southern Representatives through whose districts the fast mail runs. When one understands the matter, the remarkable thing is not that some Democrats differ with the gentleman from Indiana, but that any Democrats agree with him on this appropriation. [Loud applause.] Mr. Chairman, the Democratic party is practically a unit against the ship-subsidy bill. In my judgment, there is more to condemn in principle in this appropriation than in the ship-subsidy bill. Under it the subsidy proposed would apply to all our steamship lines alike, thus having some show of equality in it, while this "special facility" pay does not apply to all roads alike, but is a special favoritism bestowed alone upon the lines from here to New Orleans and from Kansas City to Newton.

The CHAIRMAN. The gentleman's time has expired.

Mr. GILBERT of Kentucky. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended.

Mr. MOON of Tennessee. I yield ten minutes more. I regret I can not give the gentleman any more time..

Mr. WILLIAM W. KITCHIN. It is beyond my understanding how any Democrat can oppose the ship subsidy and then support the railroad subsidy. Frequently gentlemen object to this appropriation being called a "subsidy." It is a subsidy or worse—a bonus, a gift. According to Webster's International Dictionary, a subsidy is a grant from the government to a "company to assist in the establishment or support of an enterprise deemed advantageous to the public." Is it not, according to the argument of its own supporters, a grant to the railroad to assist it in running two trains for the advantage of the public? Ordinarily governments have not subsidized any company unless its business was otherwise unprofitable, but here you subsidize companies whose business is greatly profitable. You give from the people's money to increase the treasury of the railroad. You subsidize trains for passengers and express as well as mail. Every pound of express carried on No. 97 and every passenger and all express on No. 37 are subsidized as well as the mail. Passengers and express get the benefit. What would a passenger say if the railroad should try to collect from him extra pay for getting him to his station on time, and what would one say who should be required to pay for his express an extra price because it came in due time. Yet you pay these companies extra for getting the mail to Charlotte on time. The railroad company fixes its schedule and you subsidize it to keep its own schedule. If it makes the schedule, it gets that day's sub-

sidy; if it fails to make it, that day's subsidy is withheld. It is a bonus to induce the company to do its duty. Every day the company does its duty it gets this extra pay. If No. 97 leaves here on time and is five minutes behind the schedule which the company has fixed for it at Danville and Charlotte and Atlanta, it does not get for that day a cent of this subsidy, though it makes the trip; but if it is on time it gets the extra pay. I therefore state that it is a pure bonus to the railroad not to enable it to run the subsidized trains, but merely to persuade it in running them to keep its own schedules. [Applause.]

So strange are the influences that control actions that business men in my district, who would stand a lawsuit before they would pay the company an extra dollar over and above the regular price for getting them or their freight or express to their town on time, though by a subsidized train, yet urgently request me to vote to pay the company extra, over and above the regular statutory price, for getting the mail there on time.

We have heard much of the fines levied against these trains by the Department, and doubtless many people think the so-called fines are a punishment. If they were fined every day in the year by withholding the subsidy, they would then get the same pay as other roads. It is really, instead of being a punishment when they fail to keep the schedules, a bonus when they do keep them—such as no other roads in the country have.

Now, Mr. Chairman, I have quite fully discussed this matter, but I desire it understood that my main opposition is to the principle involved in it. If we, by reason of our great industries, progressive enterprise, and increasing business, are entitled, as I contend we are, to the facilities which we now enjoy, then the great companies that are enriched by that business and enterprise should furnish us adequate mail facilities at the very profitable rates allowed to all under the general law, and it becomes a profligate waste of public money and an inexcusable badge of favoritism to grant this subsidy to the railroad companies.

If, on the other hand, our energy, business, enterprise, and traffic do not justify our present facilities and this subsidy bestows upon the people along the main line from Washington to New Orleans facilities to which they are not entitled, while withholding similar help from millions of our fellow-citizens who have not mail facilities equal to ours, then this subsidy becomes a vicious piece of partiality, a special privilege to a section, a legislative preference which, in my judgment, no Democrat should encourage and no patriot approve. On the one hand it is legalized graft to the companies; on the other it is legalized graft to their patrons. In either case it is unwise, vicious, undemocratic, and unworthy of the tolerance of a just Government. If the people—as I hope they soon will be—were as ready to condemn votes against their interests and to approve those in favor of justice and equality as the recipients of special privileges are ready to oppose those who resist their greed and to support those who vote for their projects, this subsidy would, in my opinion, long ago have been discontinued. [Applause.] I rejoice that the people, through the benefits of the press and the daily mail, are rapidly becoming watchful of public conduct.

Among those who have urged my support doubtless there are many misinformed, some misled, and others misdirected. Wide in scope, strong in effect, and varied in operation are the influences which have molded opinion upon this subject along the subsidized railway lines. Information has been withheld where knowledge would operate against the subsidy. The public conscience has been aroused and its sense of propriety shocked by discoveries of frauds among the high financiers of the country. In a less degree in its universality, perhaps, but no less genuine in its sincerity, will be the sentiment of the people against this subsidy when they once comprehend it in all of its phases. If the Representatives of the people stand, as they do stand, against the crimes of frenzied finance, they should also stand against the great offenses of governmental preference and favoritism. If Representatives stand, as they do stand, against the wrongs of insurance companies, they should likewise stand against the wrongs of railway companies. The people expect us, amid all the waves of excitement and against all the pressure of influence, to uphold the right as we see it. For myself, against the opposition which my position on this subsidy brings upon me, I cheerfully appeal to the conscience and judgment of the people of North Carolina, who have never yet bowed to frenzied finance or surrendered to the legions of greed. [Loud applause.]

Mr. OVERSTREET. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, the expediency and the necessity for a deep waterway from Lake Michigan to the Gulf of Mexico are most obvious, and this Congress should appropriate a sum of money sufficient to enable the work to be pushed vigorously and steadily until a subsequent appropriation is available. In my opinion, Congress should authorize a continuous contract for the completion of this improvement. At any event, practical results should be secured.

Work on this great and beneficent project should begin at the earliest date possible and be continued uninterruptedly until completed. The work should be rushed, and no effort should be spared to complete it.

Mr. Chairman, we will never have a merchant marine such as our national wealth commands until ocean-going ships can sail into the heart of this continent, tie up at the wharves along this proposed route, and take on cargoes which can go unbroken to foreign markets.

I therefore believe, sir, that the Government should undertake earnestly the accomplishment of a project which will not only enable this to be done, but which will surely give to us that percentage of foreign business to which we are entitled.

Give the great Mississippi Valley a chance to get its products into the Latin-American countries by some cheap and direct means, such as this water route would afford, and we will not long be compelled to suffer the humiliation of permitting the international balance sheet to show a sum of $500,000,000 annually against us in our transactions with those countries.

Europe to-day furnishes Latin America with upwards of three-fourths of all she consumes. We furnish the rest. We purchase from those countries, however, three-fifths of all they produce.

We can easily have the bulk of this trade if Congress will but extend this canal as proposed. The cheap transportation thus afforded will attract from the great West and Northwest a traffic simply stupendous. Enormous as the commerce of that section is to-day it can easily be doubled when the cost of transportation becomes reasonable. The great States of Illinois, Missouri, Iowa, Wisconsin, and Minnesota alone produce 26 per cent of the agricultural products of the United States and contain 19 per cent of its population. In these States there are 100,000 manufacturers, or 19 per cent of the number in the United States. In these institutions over $600,000,000 are invested; a million of workmen are employed, who earn $450,000,000 annually, or 16 per cent of all the wages paid in the United States—a good showing for five States out of forty-five, I respectfully submit.

It requires no strength of imagination, Mr. Chairman, to foresee the commercial benefits that will result from this improvement when the Panama Canal shall have been completed, and I have no doubt that it will be completed. The President asserts with great confidence and firmness that the canal will be built. Denial is therefore preposterous, and the roaring protests of certain turbulent demagogues will serve only to render its accomplishment more certain.

Mr. Chairman, all sections of this country should unite in an earnest effort to secure cheap transportation for carrying goods to and from the markets of foreign countries to the great sections of production of our own. The plain necessity for such action justifies the most lavish national exertion and expenditure even if pecuniary profit was our only object, which is not the case. When the Panama Canal is completed, commercial traffic with the Philippines, China, and Japan will afford an opportunity of introducing into those countries Christianity with its great rewards, which in itself is far more praiseworthy, and which will redound more to our glory as a nation than anything that can be gained by a satisfaction of our appetite for commercial greatness. While we are looking for foreign markets for the boundless resources of the prolific Mississippi Valley, let us not overlook an opportunity to teach the principles of Christian civilization.

Mr. Chairman, Europe can deliver the products of England, Germany, and France to points in Mexico and Central and South America at a cost three times less than we can deliver from our centers of production goods to the same points, simply because our exports and imports are largely controlled by railways whose rates are almost prohibitive. Under the present transportation system it costs, I am informed, something in the neighborhood of $30 per ton on freight from the West to points in Latin America. If the proposed canal were in operation to-day, the same articles could be transported to Latin America for $10 per ton, a difference of $20. Let us free the people, gentlemen, by constructing this deep waterway. They have paid tribute to the railroads long enough.

Mr. Chairman, this country spends 95 per cent on its land transportation and only 5 per cent for sea carriage. Products valued at $500,000,000 are annually imported into our country from South America in foreign bottoms, and we pay to these foreign ships $30,000,000 for this service alone. How does it happen that the United States has to-day 1,500,000 less tonnage

on the seas than it had sixty-five years ago, and how long are we going to continue paying annually over five and one-half billion dollars for the transportation of passengers, mail, and freight around the world?

The building of this proposed deep waterway will correct the seeming indifference to me of the most commendable national enterprises. It will give an impetus to shipbuilding here in the United States such as was never before dreamed of. It will relieve the Interstate Commerce Commission of the further duty of railroad rate regulation, for it will certainly solve this most important question.

No railroad can charge higher freight rates than those made by a competing carrier and prosper. As proof of this assertion, permit me to call your attention to a part of the argument made by Mr. Frank J. Delaney, of Chicago, before the committee on appropriations of the forty-second general assembly of the State of Illinois, concerning the value of the Illinois and Michigan Canal to the farmers and shippers of the State and the effect upon freight rates.

Mr. Delaney's argument was in part as follows:

First. Freight rates (either water or rail) are markedly lower along the canal than at any other points in the State.

Second. That the low rail rates made by railways paralleling the canal force the nearest competing railroads on either side to make correspondingly low charges, though these roads may be miles distant from the canal proper, and that this influence is directly felt at a distance 40 or 50 miles either side of the canal.

Third (and it may be well to note this particularly). That the greater the distance from the canal the higher the freight rate, regardless of the distance from Chicago.

Assuming that the canal territory most directly influenced is the territory to be considered we find that the very presence of the canal, regardless of the volume of business done upon its waters, has saved to farmers of this territory about $1,500,000 in last year's crop of corn, oats, and wheat.

The following counties being what we will consider as "canal counties"—that is, those being the counties most directly and most noticeably influenced: Cook, Will, Dupage, Kane, Kendall, Grundy, Dekalb, Kankakee, Iroquois, Livingston, Woodford, Marshall, Lee, Bureau, Putnam, Stark, Peoria, and Tazewell.

These counties last year produced 973,340 bushels of wheat, 94,880,160 bushels of corn, and 65,579,274 bushels of oats. (Figures taken from report of 1899, Illinois State board of agriculture, computing corn at 40 bushels to the acre.)

A study of the various rates throughout this section and a reference to the rate map will show that the presence of the canal saves from 1½ cents to 4 cents in freight charges per hundred pounds on grain alone. Assuming, therefore, that the average saving of freight charges by this waterway is but 2 cents per hundred pounds—certainly a very conservative estimate—we find that this canal has saved to the farmers of this territory along during the last year approximately $1,500,000, and by a sympathetic reduction of freights throughout its competitive influence many times that sum.

Of the amounts of grain mentioned we may assume that perhaps one-third of this went to market and paid freight, this receiving the actual tangible benefit of the canal in dollars and cents. The other portion of the grain raised was consumed at home and received its proportion of the saving indirectly, and its market value was the same as and its benefit equal to the grain actually marketed.

When we consider that this computation includes corn, wheat, and oats, only three of the many products of this territory, we can readily see the immense value this comparatively short waterway is to our State.

The following table, taken from the proceedings of a convention of the Upper Mississippi River Improvement Association, held in Dubuque, Iowa, in November of last year, shows a comparison of all-rail with all-water rates:

A comparison of all rail with all water rates.

[In cents per 100 pounds.]

	Miles.	Classes.									
		1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
St. Louis to Cairo, Ill., by water	151	0.34	0.29	0.24	0.19	0.14½	0.14	0.12	0.09½	0.08½	0.07½
		1.	2.	3.	4.	5.	A.	B.	C.	D.	E.
St. Louis to Williamsville, Mo., by rail	145	0.65	0.58	0.49	0.39	0.25	0.22	0.18½	0.14	0.14	0.10

These rates are governed by two different classifications, but the Illinois to Cairo is the lower basis and makes the difference more pronounced than shown by the figures.

	Miles.	1.	2.	3.	4.	5.	A.	B.	C.	D.	E.
St. Louis to St. Paul, Minn., by water	582	0.63	0.52½	0.42	0.26	0.21	0.26	0.21	0.18	0.15	0.13½
St. Louis to Oklahoma City, Okla., by rail	543	1.30	1.09	.97	.84	.67	.65	.53	.40	.37	.29

In this instance rates forced by water competition are less than half of the other.

	Miles.	1.	2.	3.	4.	5.	A.	B.	C.	D.	E.
St. Louis to Hannibal, Mo., by water	120	0.28	0.22	0.17	0.12	0.09	0.11	0.10	0.09	0.07½	0.06½
St. Louis to Centralia, Mo., by rail	124	.47	.36	.26	.21	.16	.18	.15	.13	.11	.09

This comparison shows the effect on short hauls.

	Miles.	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
East St. Louis to Peoria, Ill	159	0.25	0.20	0.16	0.12	0.11	0.10	0.09½	0.09	0.08½	0.07
East St. Louis to Green Valley, Ill	139	.4418	.3478	.2716	.2180	.1744	.1410	.1288	.1034	.0822	.0722

Green Valley is intermediate to Peoria on the C. and A.

	Miles.	1.	2.	3.	4.	5.	6.	A.	B.	C.	D.
St. Louis to New Orleans, La., by water	706	0.90	0.75	0.65	0.50	0.40	0.35	0.25	0.25	0.25	0.20
St. Louis to Lauderdale, Miss., by rail	493	1.33	1.11	.95	.80	.62	.54	.41	.44	.33	.25

Lauderdale is intermediate to New Orleans on the M. and O. Rwy.

Instead of being detrimental I believe deep waterways to be essential adjuncts to successful railway operation, and I thoroughly believe, Mr. Chairman, that this proposed deep waterway would be a veritable boon to railroads contiguous thereto. It would stimulate business and take away from them freight of a nonproductive nature. All well-regulated waterway systems have benefited adjoining railroads. The best railroad authorities in our country recognize the fact that water competition, instead of being a detriment to the railroads, is a benefit to them. Railroads handle with small profit freight usually carried by water. If anyone doubts that this argument rests on a sound basis, let him study the contemporaneous development of railroads and canals in France. In our own country the most prosperous railroads are those that parallel waterways.

A comparison of the stock lists of roads running to and from the seaports and lake ports with those of interior cities will satisfy any fair-minded man, it seems to me, of the truthfulness of this assertion. Take the New York stock quotations of this year. Note the roads whose securities are above par.

Railroads having competing waterways: Lake Shore and Michigan Southern, 200; Michigan Central, 200; Chicago, Milwaukee and St. Paul, preferred, 174⅞; Chicago and Northwestern, preferred, 228½; Delaware and Hudson, 202⅜; New York Central, 145¾; New York, New Haven and Hartford, 200½.

Railroads having no competing waterways: Atchison, Topeka and Santa Fe, preferred, 102; Baltimore and Ohio, 110¼; Cleveland, Cincinnati, Chicago and St. Louis, 99; Chesapeake and Ohio, 57⅛; Atlantic and Pacific; Colorado Coal and Iron, 60⅜; Chicago, Rock Island and Pacific, 66¾ New York, Lake Erie and Western, preferred; Denver and Rio Grande, 86⅝; Texas and Pacific, 34.

These quotations are self-explanatory and I do not care to make further argument in defense of my assertion that waterways benefit adjoining railroads. We are here to legislate for the people and not for the railroads. The railroads of this country, with their subsidies and land grants, are estimated to be worth between $18,000,000,000 and $19,000,000,000, and should be able to get on without further governmental assistance.

The Government has gone far enough, in my humble opinion, in bestowing favors upon great railroad corporations—favors which have no doubt been judiciously used for the betterment of the people. I make no complaint against Government land grants and subsidies to certain railroads. I think perhaps they were necessary and have proven beneficent. But the railroads need no further aid by way of subsidies from the Government.

The present transportation facilities are inadequate and wholly unsatisfactory. With present high freight rates, transshipments, etc., competition with other sections of our country, and more especially with foreign countries, is out of the question. That this, the richest territory on earth, embracing, as it does, half of the States in the Union, with a navigable river system of 20,000 miles, and possessing half of the nation's population, should have been so long denied a direct and economical means of transportation for its enormous commerce is a problem to solve which would require faculties I do not possess. Fairness demands that this section of our country, upon which the stability of the nation rests, should be given all Government aid possible to encourage it to increase its commercial supremacy. Men who are broad-minded enough to see the future greatness of the United States and who have the power of taking in the interests of the whole country realize fully the importance of speedy action on the part of the Government to the end that this commercial supremacy be maintained.

Mr. Chairman, the Mississippi Valley has an area of 1,350,000 square miles. It is 2,500 miles in length and 2,000 miles in width. Within its boundaries lie the greatest producing States in the Union; yea, in the world. The arms of its principal river reach out from east to west and, with the Missouri, form the boundary lines of twenty-one States and affords 20,000 miles of navigation.

What a splendid opportunity is here afforded by this proposed deep waterway to give to this section of our country, which has raised us from a debtor to a creditor nation, cheap transportation for its commerce to foreign markets. This great valley produces 75 per cent of all our foreign exports, only a small portion of which, however, finds a direct route to foreign markets. Commerce for export should go direct and in American bottoms. It is a shame, Mr. Chairman, that over 90 per cent of the export trade of this country is carried in foreign bottoms. Give to this fruitful region the cheap and necessary means of transportation, and a mighty impetus will be given to the shipbuilding industry. By no subsidies, save the expenditure by the Government of money in the permanent betterment of channels, an American merchant marine has grown up on the Great Lakes which excels the merchant marine of any foreign nation except England and Germany. Machinery for the rapid handling of cargoes, such as seen in no other part of the world, has been invented and placed in extensive use in lake transportation. The capacity of the ships in the active carrying of freight has been greatly increased, whereby cargoes of 100,000 bushels of grain are loaded within five hours and unloaded in six hours. Five thousand tons of ore are placed on shipboard within three hours, and the cargo is taken out in the light of a working day. Coal drops from car-dumping machines into the holds of vessels, and within three hours of the time they tie up to the dock they have on board from 3,000 to 5,000 tons and are ready to sail again. Vessel owners claim that nowhere in the world has the science of handling freight economically and rapidly reached so high a state of perfection as in the lake service. The ships built at the shipyards during the present decade will compare favorably with vessels of the same class built anywhere in the world.

The marvelous development of Chicago is due largely to the fact that the city is located at the point where railroad transportation and water transportation meet. The growth of the city has been but the reflex of the development of the West, and the traffic of the West has come to Chicago because its products could be shipped at lower rate through the Chicago River than elsewhere.

It would be a reiteration of a familiar story and a waste of your time to urge the magnitude of Chicago's commerce and manufactories. We might call your attention to the fact that this city is the largest railroad center in the world, that it holds the lead in many lines of manufacturing, and that as a primary market for grain it has no rival. Her position in the commercial, financial, and manufacturing life of the nation needs no detail of statistics. [Loud applause.]

I desire at this point, Mr. Chairman, to call the attention of the House to a table, prepared at the customs office at Chicago, which shows the lake commerce of Chicago for 1904, in order that some idea may be had of the great tonnage received and shipped from that port:

Lake commerce of Chicago, 1904.

RECEIVED.

Coal	tons	1,024,853
Iron ore	do	2,573,622
Salt	barrels	1,526,859
Lumber	M feet	402,839
Shingles	do	20,796
Lath	do	13,761
Posts	number	1,051,083
Ties	do	1,787,234
Poles	do	113,165
Wood	cords	9,996
Plaster	barrels	84,098
Cement	do	278,413
Asphalt	do	24,657
Sulphur	do	5,644
Copper	bars	76,466
Hides	bales	1,214
Hardware	packages	399,083
Shoes	do	368,079
Sugar	do	1,478,305
Groceries	tons	73,623
Green fruits	packages	3,882,058
Potatoes	bushels	180,320
Coffee	sacks	127,364
Grain	bushels	2,012,600
Unclassified	tons	463,589
Number of vessels entered		6,428
Tonnage		6,325,092

SHIPPED.

Wheat	bushels	5,715,987
Corn	do	41,864,828
Oats	do	7,607,466
Rye	do	237,000
Barley	do	1,083,990
Flaxseed	do	161,500
Flour	barrels	1,535,439
Cereals	do	70,523
Mill stuffs	sacks	1,905,250
Gluten meal	do	119,266
Malt	do	114,973
Oil cake	do	195,975
Grass seed	do	36,589
Glucose	barrels	67,104
Sugar	do	30,010
Oil	do	104,668
Pork	do	7,142
Tallow	do	23,853
Hides	bales	4,898
Wool and hair	sacks	35,087
Broom corn	bales	1,249
Spelter	plates	120,981
Groceries	tons	7,110
Manufactures of iron	do	20,989
Unclassified	do	376,744
Number of vessels cleared		6,476
Tonnage		6,420,986

The following tables, taken from the report of the Board of Trade of the city of Chicago for the year ended December 31, 1904, and prepared by Hon. George F. Stone, its secretary, to whom I am indebted for the same, will serve to illustrate in part Chicago's great business for that year:

FLOUR AND GRAIN.—*The entire movement of these products at Chicago during 1904.*

RECEIPTS.

	Flour.	Wheat.	Corn.	Oats.	Rye.	Barley.
	Barrels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Lake	7,380	495,000				
Canal	54,735	7,600	459,274	48,304		
Chicago and Northwestern Railway	1,414,855	3,029,331	7,606,004	14,478,141	543,775	10,284,307
Illinois Central Railroad	295,353	1,453,525	25,679,700	9,492,700	75,200	976,800
Chicago, Rock Island and Pacific Railway	739,988	4,079,380	11,530,575	10,865,251	184,615	1,753,370
Chicago, Burlington and Quincy Railway	1,712,000	3,228,225	19,620,250	9,128,250	528,250	770,600
Chicago and Alton Railroad	481,426	1,068,595	9,740,900	2,561,750	23,200	8,800
Chicago and Eastern Illinois Railroad		65,900	5,724,900	3,168,250	3,000	

FLOUR AND GRAIN.—*The entire movement of these products at Chicago during 1904*—Continued.

	Flour.	Wheat.	Corn.	Oats.	Rye.	Barley.
	Barrels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Chicago, Milwaukee and St. Paul Railway	1,699,500	3,796,845	4,047,200	12,807,100	551,100	9,819,850
Wabash Railroad (west of Chicago)	118,200	448,700	4,998,900	2,118,450	9,850	----------
Chicago Great Western Railway	805,400	1,540,000	1,668,500	3,566,100	81,550	1,186,500
Atchison, Topeka and Santa Fe Railway	313,539	4,207,300	5,549,250	2,194,850	33,000	1,000
Wisconsin Central Lines	1,042,421	535,834	2,100	271,670	28,250	249,768
Elgin, Joliet and Eastern Railway	----------	401,650	3,477,450	1,996,750	78,250	78,100
Chicago, Indianapolis and Louisville Railway	112,073	80,152	382,559	345,291	229,132	181,572
Eastern Lines[a]	42,350	19,310	55,645	10,262	10,195	6,250
Total receipts	8,839,220	24,457,347	100,543,207	73,023,119	2,379,367	25,316,917
Flour manufactured in the city	750,000	----------	----------	----------	----------	----------
In store and afloat in harbor, December 31, 1903	17,700	2,768,291	2,244,068	1,227,728	242,279	271,310
Grand totals	9,606,920	27,225,638	102,787,275	74,250,847	2,621,646	25,588,228

SHIPMENTS.

	Barrels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Lake—To Buffalo	511,743	5,179,787	28,262,265	4,226,578	237,000	863,181
To Erie	143,152	60,000	317,000	----------	----------	----------
To Ogdensburg	11,572	----------	2,507,074	1,073,442	----------	15,000
To Port Huron	----------	----------	1,199,200	----------	----------	----------
To other United States ports	27,492	385,999	933,115	30,800	----------	----------
To Depot Harbor	7,210	----------	3,371,446	478,850	----------	116,800
To Montreal	290	----------	1,832,474	----------	----------	89,000
To Midland	----------	----------	1,456,709	62,312	----------	----------
To Collingwood	1,902	----------	1,184,992	270,588	----------	----------
To Kingston	----------	----------	217,600	----------	----------	----------
To Sarnia	----------	----------	----------	554,953	----------	----------
To other Canadian ports	----------	1,600	516,176	943,554	----------	----------
Totals by Lake	703,361	5,627,386	41,798,051	7,641,077	237,000	1,083,981
Canal	2,054	383,010	----------	4,765	----------	----------
Chicago and Northwestern Rwy	20,107	124,494	364,900	69,058	12,150	33,571
Illinois Central R. R	35,864	307,500	140,950	234,300	6,650	202,400
Chicago, Rock Island and Pacific Rwy	15,863	614,364	2,295,100	1,038,332	----------	212,045
Chicago, Burlington and Quincy Rwy	6,600	----------	----------	----------	----------	----------
Chicago and Alton R. R	1,350	177,338	----------	----------	----------	----------
Chicago and Eastern Illinois R. R	8,850	103,950	349,000	85,350	2,000	89,300
Chicago, Milwaukee and St. Paul Rwy	26,300	82,550	246,025	23,200	5,750	24,300
Wabash R. R. (west of Chicago)	----------	33,900	4,000	4,350	----------	19,800
Chicago Great Western Rwy	----------	----------	----------	----------	----------	----------
Atchison, Topeka and Santa Fe Rwy	25,820	----------	47,800	3,200	----------	3,300
Wisconsin Central lines	----------	----------	----------	----------	----------	----------
Elgin, Joliet and Eastern Rwy	51,400	666,475	748,750	463,600	19,000	5,500
Chicago, Indianapolis and Louisville Rwy	236,299	578,463	586,501	604,871	392,169	405,815
Eastern lines	6,134,058	9,257,986	28,603,681	37,131,798	892,554	3,772,844
Total shipments	7,267,896	17,957,416	75,184,758	47,303,901	1,567,273	5,802,856
In store and afloat in harbor December 31, 1904	33,500	1,656,152	2,140,383	3,579,842	414,192	12,733
City consumption and unaccounted for	2,305,524	7,612,070	25,462,134	23,367,104	640,181	19,772,639
Grand totals	9,606,920	27,225,638	102,787,275	74,250,847	2,621,646	25,588,228

[a] The Eastern Lines include the Wabash R. R. (east of Chicago), C., C., C. & St. L. Rwy., Michigan Central R. R., L. S. & M. S. Rwy., P., Ft. W. & C. Rwy., P., C., C. & St. L. Rwy., B. & O. R. R., C. & G. T. Rwy., N. Y. C. & St. L. Rwy., and the Chicago and Erie R. R.

LIVE AND DRESSED HOGS.—*Receipts and shipments during 1904.*

RECEIPTS.

	Live.	Dressed.
Chicago and Northwestern Rwy	1,798,314	19,511
Illinois Central R. R	702,664	8
Chicago, Rock Island and Pacific Rwy	994,208	276
Chicago, Burlington and Quincy Rwy	886,544	----------
Chicago and Alton R. R	114,092	----------
Chicago and Eastern Illinois R. R	127,144	----------
Chicago, Milwaukee and St. Paul Rwy	1,786,418	----------
Wabash R. R	143,179	----------
Chicago Great Western Rwy	257,213	----------
Atchison, Topeka and Santa Fe R. R	174,861	----------
Wisconsin Central Lines	53,804	----------
Chicago, Indianapolis and Louisville Rwy	46,269	39
Michigan Central R. R	23,041	----------
Lake Shore and Michigan Southern Rwy	11,991	----------
Pittsburg, Fort Wayne and Chicago Rwy	12,623	----------
Pittsburg, Cincinnati, Chicago and St. Louis Rwy	30,590	----------
Baltimore and Ohio R. R	4,709	----------
Chicago and Grand Trunk Rwy	19,233	----------
New York, Chicago and St. Louis R. R	13,761	----------
Chicago and Erie R. R	19,500	----------
Pere Marquette R. R	16,337	----------
Chicago Junction R. R	457	----------
Eastern Lines	----------	190
Driven into yards	1,794	----------
Total live	7,238,746	----------
Total dressed	----------	20,024
Total live and dressed	----------	7,258,770

SHIPMENTS.

Chicago and Northwestern Rwy	13,671	8
Illinois Central R. R	978	22
Chicago, Rock Island and Pacific Rwy	251	----------
Chicago, Burlington and Quincy Rwy	----------	----------
Chicago and Alton R. R	95	30
Chicago and Eastern Illinois R. R	966	----------
Chicago, Milwaukee and St. Paul Rwy	9,851	----------
Wabash R. R	470	----------
Chicago Great Western Rwy	29	----------
Atchison, Topeka and Santa Fe R. R	----------	----------
Wisconsin Central Lines	----------	----------
Chicago, Indianapolis and Louisville Rwy	6,051	207

LIVE AND DRESSED HOGS.—*Receipts and shipments during 1904*—Cont'd.

SHIPMENTS—continued.

	Live.	Dressed.
Michigan Central R. R	226,040	----------
Lake Shore and Michigan Southern Rwy	749,448	----------
Pittsburg, Fort Wayne and Chicago Rwy	271,004	----------
Pittsburg, Cincinnati, Chicago and St. Louis Rwy	111,187	----------
Baltimore and Ohio R. R	149,161	----------
Chicago and Grand Trunk Rwy	4,864	----------
New York, Chicago and St. Louis R. R	50,449	----------
Chicago and Erie R. R	31,324	----------
Pere Marquette R. R	174	----------
Chicago Junction R. R	----------	----------
Eastern Lines	----------	120,372
Total live	1,626,022	----------
Total dressed	----------	120,845
Total live and dressed	----------	1,746,867
City consumption and packing	6,156,724	----------

By months during 1904.

RECEIPTS.

	Live.		Dressed.
	Number.	Average weight.	
January	869,814	206	973
February	845,894	205	801
March	612,141	206	803
April	558,122	208	708
May	580,014	214	1,050
June	577,138	221	2,249
July	349,558	226	1,704
August	502,465	239	2,783
September	356,264	244	2,987
October	477,217	230	1,893
November	705,440	232	2,379
December	804,679	228	1,694
Total receipts, live	7,238,746	----------	----------
Total receipts, dressed	----------	----------	20,024
Total live and dressed	----------	----------	7,258 770

By months during 1904—Continued.

SHIPMENTS.

	Live.	Dressed.
January	159,542	19,258
February	180,529	16,552
March	236,375	10,069
April	188,002	11,493
May	143,597	12,932
June	105,838	5,886
July	97,778	3,675
August	123,163	5,085
September	98,076	4,140
October	83,131	6,835
November	106,885	10,945
December	102,106	13,955
Total shipments, live	1,626,022	
Total shipments, dressed		120,845
Total live and dressed		1,746,867
City consumption and packing	6,156,724	

CATTLE AND SHEEP.—*Receipts and shipments of these varieties of live stock during 1904.*

[As reported by the Union Stock Yards Company.]

RECEIPTS.

	Cattle.	Sheep.
Chicago and Northwestern Rwy	663,924	1,087,752
Illinois Central R. R	258,165	140,452
Chicago, Rock Island and Pacific Rwy	323,317	246,320
Chicago, Burlington and Quincy Rwy	739,069	882,108
Chicago and Alton R. R	173,409	64,403
Chicago and Eastern Illinois R. R	65,358	93,806
Chicago, Milwaukee and St. Paul Rwy	601,905	1,250,314
Wabash R. R	107,821	68,858
Chicago Great Western Rwy	114,566	214,674
Atchison, Topeka and Santa Fe R. R	119,274	47,532
Wisconsin Central lines	18,927	192,810
Chicago, Indianapolis and Louisville Rwy	28,898	111,288
Michigan Central R. R	4,875	15,975
Lake Shore and Michigan Southern Rwy	2,991	19,825
Pittsburg, Fort Wayne and Chicago Rwy	2,748	14,028
Pittsburg, Cincinnati, Chicago and St. Louis Rwy	13,416	30,900
Baltimore and Ohio R. R	1,344	7,074
Chicago and Grand Trunk Rwy	2,517	13,580
New York, Chicago and St. Louis R. R	2,787	15,288
Chicago and Erie R. R	1,548	10,518
Pere Marquette R. R	2,012	6,300
Chicago Junction Rwy	464	
Driven into yards	3,850	825
Total	3,259,185	4,504,630

SHIPMENTS.

Chicago and Northwestern Rwy	42,032	19,734
Illinois Central R. R	30,513	36,459
Chicago, Rock Island and Pacific Rwy	24,957	11,808
Chicago, Burlington and Quincy Rwy	55,889	16,079
Chicago and Alton R. R	11,287	13,189
Chicago and Eastern Illinois R. R	29,815	41,598
Chicago, Milwaukee and St. Paul Rwy	28,853	33,451
Wabash R. R	32,298	29,147
Chicago Great Western Rwy	2,366	3,466
Atchison, Topeka and Santa Fe R. R	13,971	3,505
Wisconsin Central lines	1,738	4,440
Chicago, Indianapolis and Louisville Rwy	20,172	33,121
Michigan Central R. R	226,547	81,851
Lake Shore and Michigan Southern Rwy	172,734	270,697
Pittsburg, Fort Wayne and Chicago Rwy	225,529	363,423
Pittsburg, Cincinnati, Chicago and St. Louis Rwy	65,507	61,020
Baltimore and Ohio R. R	88,752	92,764
Chicago and Grand Trunk Rwy	186,463	132,571
New York, Chicago and St. Louis R. R	17,538	22,909
Chicago and Erie R. R	36,088	78,215
Pere Marquette R. R	3,438	12,753
Chicago Junction Rwy	9,847	
Total	1,326,332	1,362,270
City consumption and packing	1,932,853	3,142,360

CATTLE AND SHEEP.—*Receipts and shipments of these varieties of live stock by months during 1904.*

[As reported by the Union Stock Yards Company.]

RECEIPTS.

	Cattle.	Sheep.
January	293,300	355,926
February	265,704	431,612
March	261,076	374,680
April	246,299	301,301
May	236,047	288,571
June	267,681	332,442
July	154,526	216,945
August	272,599	420,746
September	277,068	466,951
October	362,376	574,694
November	338,987	422,450
December	282,922	318,312
Total	3,259,185	4,504,630

CATTLE AND SHEEP.—*Receipts and shipments of these varieties of live stock by months during 1904*—Continued.

SHIPMENTS.

	Cattle.	Sheep.
January	111,409	63,110
February	107,582	93,769
March	117,442	103,897
April	107,867	51,334
May	96,483	45,436
June	95,755	31,043
July	74,155	93,983
August	116,419	224,019
September	126,341	239,701
October	132,335	251,401
November	118,823	97,473
December	120,711	67,104
Total	1,326,332	1,362,270
City consumption and packing	1,932,853	3,142,360

HIDES AND WOOL.—*Receipts and shipments of these products during 1904, by routes.*

	Hides.		Wool.	
	Received.	Shipped.	Received.	Shipped.
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*
Lake	39,200	2,914,000	20,000	8,850,700
Canal				
Chicago and Northwestern Rwy	79,743,959	26,497,932	22,033,702	2,114,210
Illinois Central R. R	7,463,870	2,247,488	7,098,291	167,200
Chicago, Rock Island and Pacific Rwy	13,159,664	993,804	10,750,099	183,016
Chicago, Burlington and Quincy Rwy	20,475,398	943,012	18,289,953	783,048
Chicago and Alton R. R	17,462,297	16,000	56,770	17,060
Chicago and Eastern Illinois R. R				
Chicago, Milwaukee and St. Paul Rwy			9,064,600	
Wabash R. R. (west of Chicago)	5,555,940			
Chicago Great Western Rwy			3,020,424	
Atchison, Topeka and Santa Fe R. R	2,510,442		126,000	
Wisconsin Central Lines	8,151,280		87,465	
Elgin, Joliet and Eastern Rwy				
Chicago, Indianapolis and Louisville Rwy	6,296,102	13,206,270	1,559,536	1,823,140
Eastern lines	4,881,698	150,590,745	586,220	59,378,185
Total	165,739,850	197,469,251	72,693,060	73,316,559

TIMOTHY AND CLOVER SEEDS.—*Receipts and shipments of these commodities during 1904, by routes.*

	Timothy seed.		Clover seed.	
	Received.	Shipped.	Received.	Shipped.
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*
Lake		732,368		19,040
Canal				
Chicago and Northwestern Rwy	5,944,699	223,060	185,489	200,572
Illinois Central R. R	4,130,893	221,800	1,886,149	112,407
Chicago, Rock Island and Pacific Rwy	12,625,885		158,485	170,000
Chicago, Burlington and Quincy Rwy	8,954,255		693,671	80,238
Chicago and Alton R. R	168,660		415,961	24,000
Chicago and Eastern Illinois R. R				
Chicago, Milwaukee and St. Paul Rwy	13,500,000		280,000	
Wabash R. R. (west of Chicago)	80,000			
Chicago Great Western Rwy	14,100,049			
Atchison, Topeka and Santa Fe R. R	105,000			
Wisconsin Central lines				
Elgin, Joliet and Eastern Rwy				
Chicago, Indianapolis and Louisville Rwy	2,217,181	2,702,285	2,756,995	1,367,975
Eastern lines	163,250	21,607,000	1,543,495	4,268,338
Total	61,989,872	25,486,513	7,920,245	6,242,568

These figures serve to show in part the greatness of the commerce of Chicago and the surrounding country and how important a part they are of the commerce of the nation.

The great city of Chicago, cognizant of the future commercial greatness of the West and Northwest and realizing the imperative future necessity of a ship canal from Lake Michigan to the Gulf of Mexico, burdened itself by taxation to the amount of $18,000,000 in excess of what was necessary to build a canal for drainage purposes alone, as was originally contemplated.

This, in many respects the greatest engineering project ever undertaken, renders the continuation by the Government of a deep waterway to the Gulf of Mexico exceedingly easy and inexpensive. Some idea of its magnitude and importance may be had by a perusal of a memorial recently presented to the Con-

gress of the United States by the trustees of the sanitary district of Chicago, the following extracts of which I desire to insert in the RECORD for the benefit of Members desiring to enlighten themselves upon this great subject:

THE CHICAGO SANITARY AND SHIP CANAL.

The Chicago Sanitary and Ship Canal may well be called the greatest artificial waterway ever constructed, and in its character of a navigable channel it stands ready to hand for the benefit of the Federal Government as a complete and in every respect satisfactory section of a deep waterway from Lake Michigan to the Mississippi River. It is, indeed, because of this character of the Sanitary and Ship Canal, and because it was designed for such ultimate use, that your memorialists, who have had its construction in their charge, are able to address you as parties deeply interested in the development of the waterway.

Before describing the inception and construction of the canal in detail it is well to point out again the place it fills in the general plan. It cuts through the divide between the Chicago River and the headwaters of the Desplaines, which is, by far, the most difficult and expensive portion of the entire work of construction. Its cost, when completed, will be close to $55,000,000, more than double the amount which will be necessary, as figures to be presented later will show, for the entire remainder of the work. It carries a volume of water large enough to furnish a steady supply for a waterway 14 feet deep, from its commencement at Chicago to the Mississippi River at St. Louis. To give it this capacity at least $18,000,000 more was spent upon it than would have been necessary to meet the demands of its use for sanitation alone.

The Chicago Sanitary and Ship Canal was, as has been said, primarily constructed for the disposal of the sewage of the city of Chicago, which had previously passed into Lake Michigan, polluting the water supply of the city. Notwithstanding this use of the canal, it is not to be thought that it is an unpleasant stream. So great is the volume of water provided that the canal is clear and odorless, and, in fact, in better condition hygienically than the ordinary river flowing through an inhabited country.

The construction of the canal was authorized by State law May 29, 1889, and the sanitary district of Chicago was organized for the work, its territory including all that part of Chicago lying north of Eighty-seventh street, with the exception of two small outlying suburbs, and 43 square miles of Cook County outside of the city limits. Its total area is 185 square miles. The district is 18 miles long from north to south and 9½ miles wide on a line east and west through the city hall. Its extreme width is 15 miles.[a] The nine trustees to whom the control of the district was given were authorized to levy taxes to the extent of one-half of 1 per cent per annum on the assessed valuation of the property of the district; and for the five years from 1895 to 1899 they were allowed a tax rate of 1½ per cent. They were also empowered to issue bonds to the amount of 5 per cent of the taxable property of the district, with the provision that that amount should not exceed $15,000,000, a limitation which in 1901 was raised to $20,000,000 to enable further improvement of the Chicago River. The total bond issue to date has been $24,790,000, of which amount $17,565,000 is still outstanding. The total income of the district from taxes to date has been $27,950,766.38.

The first board of trustees of the district, elected December 12, 1889, consisted of John J. Altpeter, Arnold P. Gilmore, Christoph Hotz, John A. King, Murry Nelson, Richard Prendergast, William H. Russell, Frank Wenter, and Henry J. Willing. Trustees Hotz, King, Nelson, and Willing resigned early in their terms, however, and in their places William Boldenweck, Lyman E. Cooley, Bernard A. Eckhart, and Thomas Kelly were elected.

The second board of trustees, elected November 5, 1895, included Trustees Boldenweck, Eckhart, Kelly, and Wenter, of the former board, and the following new members: Joseph C. Braden, Zina R. Carter, Alexander J. Jones, James P. Mallette, and Thomas A. Smyth.

November 6, 1900, the present board of trustees was elected, Trustees Braden, Carter, Jones, Smyth, and Wenter being returned, and William H. Baker, Frank X. Cloidt, William Legner, and Thomas J. Webb taking the places of retired members.

The presidents of the board have been:

Murry Nelson, February 1, 1890, to December 2, 1890.
Richard Prendergast, December 2, 1890, to December 8, 1891.
Frank Wenter, December 8, 1891, to December 3, 1895.
Bernard A. Eckhart, December 3, 1895, to December 8, 1896.
Thomas Kelly, December 8, 1896, to December 7, 1897.
William Boldenweck, December 7, 1897, to December 4, 1900.
Alexander J. Jones, December 4, 1900, to December 3, 1901.
Thomas A. Smyth, December 3, 1901, to December 8, 1903.
Zina R. Carter, December 8, 1903.

Ground was broken for the work of excavation September 3, 1892, Trustee Wenter, then president of the board, throwing the first shovelful of earth. From that time forward the work was pushed in the face of every obstacle, and at times with a rapidity hitherto unknown in channel digging; as, for example, when in a single month, August, 1894, 1,291,688 cubic yards of glacial drift and 413,164 yards of solid rock were excavated. Many new methods were introduced for the gigantic task, and schemes of a boldness fitting the great enterprise were adopted. Finally, after more than seven years of work, the canal and enough of the coordinated works were finished to make it possible to begin to put it to use. January 2, 1900, the water of the Chicago River was turned into the channel, and fifteen days later the gates at the lower end were opened, and for the first time in centuries the water of the lake began to flow toward the Gulf of Mexico.

The canal proper is, as now being extended, 32.3 miles long, but in addition 6 miles of the Chicago River and 2¼ miles of the Desplaines River have been improved by the district, so that the stretch of water over which control has been formally assumed, in accordance with the law, is 40.55 miles long. The Chicago River has become an uninterrupted part of the channel, with even better navigable depth than the canal proper, while the Desplaines has only been improved sufficiently to answer the sanitary purposes of the canal.

The Chicago River, prior to the opening of the canal, was a short and deep stream, branching to the north and to the south a mile back from the lake. With little fall, and small sources of supply excepting the water poured into it from many sewers, it was almost stagnant. As its dock lines had never been carefully preserved, its banks were irregular, the bed varying greatly in width at different places. The problem which the sanitary district had to face was the enlarging of this river so that it would provide a sufficient volume of water for the needs of the canal without producing a current injurious to navigation. This was accomplished in the first instance by dredging to a depth of 20 feet (except over tunnels), and by the construction of two by-passes or conduits, with dimensions of 16 by 50 feet, on the west side of the river from Monroe to Van Buren streets, where the channel was narrowest. Several of the most obstructive center-pier bridges were also removed.

Later on, however, after the water was turned into the canal, in 1900, a systematic study of river improvement to meet the needs of navigation was made, and the district by ordinance adopted a policy which provided for the widening of the river to 200 feet and its deepening to 26 feet through the entire length used in securing water supply. At the same time a depth of 30 feet was indicated as ultimately desirable. Under the ordinance condemnation proceedings have been begun for all the necessary land which could not be secured by purchase, and dredging, piling and docking have been going on simultaneously at many points. At the same time plans have been made to remove all of the center-pier bridges in the river, and substitute bascule bridges for them. Some of these bridges are already finished, others in process of construction, and the remainder will be contracted for as rapidly as is possible without interfering too seriously with traffic on the streets. The estimate for the total cost of this work is $9,000,000. At this writing, June, 1904, about 42 per cent of it has been finished. The completion of this work is dependent upon the rapidity with which the courts will handle the necessary condemnation suits. With all of the property in the possession of the district, the construction work could be completed in two years. With the completion of the work under these plans, the Chicago River will be a perfect navigable stream, of a uniform depth of 26 feet, saving only for the presence of three street railway tunnels, the removal of which is certain to come in the near future, but must wait the action of either the city of Chicago or the Federal Government.

The Sanitary and Ship Canal proper begins at the west fork of the south branch of the Chicago River at Robey street, and extends 28.05 miles to Lockport. The depth of water in it varies with the flow, but the construction is such that under no conditions will the minimum be less than 22 feet. The present depth is between 24 and 25 feet. The channel is cut part of the way through glacial drift and part of the way through rock.

From Robey street to Summit, a distance of nearly 8 miles, the channel is 110 feet wide at the bottom and 198 feet wide at the water line. This part of the channel is cut through soil which permits easy dredging while the channel is in use, and for this reason it was not given its full capacity at the start, but left for enlargement as needs require. From Summit to Willow Springs, something over 5 miles farther, the channel is cut through earth with much hard material mixed in it, and it has the full planned dimensions, being 202 feet wide at the bottom and 290 feet at the water line. From Willow Springs to Lockport, 15 miles, the channel is through rock, and is 160 feet wide at the bottom and 162 feet at the water line. The average depth of the trough cut through the rock in this section is 35 feet. The grade of the channel is 1⅛ inches to the mile through the earth sections, and 3½ inches to the mile through the rock section. The bottom of the channel at Robey street is 24.448 feet below Chicago datum, the datum being reckoned from low water in Lake Michigan in 1847. At Lockport the bottom of the channel is 30.1 feet below datum.

At Lockport there is in the canal a large windage basin, cut in the stone to enable large vessels to turn around. Here also are the controlling works, by means of which the flow of water in the canal is governed. These works consist of seven sluice gates of metal with masonry bulkheads, and one bear-trap dam. The sluice gates have a vertical play of 20 feet and openings of 30 feet each. The bear-trap dam has an opening of 160 feet and an oscillation of 17 feet vertically. This dam is essentially two great metal leaves, hinged together and working between masonry bulkheads. The downstream leaf is securely hinged to a heavy foundation, and the raising or lowering of the dam is accomplished by the admission or discharge of water through regulating valves. The dam is regarded as one of the greatest engineering triumphs of the age.

From Lockport to the southern limits of Joliet, 6¼ miles, the work of the sanitary district consisted in the deepening, widening, and leveling of the Desplaines River, so that it will accommodate a flow of 1,500,000 cubic feet of water a minute. This capacity provides both for the flow from the sanitary canal and for all possible flood waters of the Desplaines Valley. No attempt was made in this part of the work to establish the navigable depth, which was one of the primary considerations in the plans from Chicago to Lockport.

There is now, however, under construction by the sanitary district on this section a work of water-power development which, when it is completed, will afford a 22-foot channel for 3.3 miles and a 10-foot channel for 1 mile, the two covering over half of the entire distance. This water power, created by the heavy declivity of 52 feet in 8 miles on this section, is exceedingly valuable, the gross tolls possible from it being estimated on different methods of development at from $628,150 to $1,086,300 a year. The cost of the development will be $3,000,000. Besides the power now being developed below Lockport the district will, as soon as it can acquire the necessary property, develop a second power near the southerly limits of the city of Joliet. This second power will afford about 18,000 net horsepower with the full flow of the channel. This is called the Hickory Creek development, and the building of the dam necessary for its accomplishment will afford nearly a mile of waterway about 13 feet in depth.

The flow of water which the canal is designed to accommodate is 600,000 cubic feet per minute. In its present condition the canal will not, however, admit this volume in all parts without producing a current harmful to navigation. The narrow section of the canal between Robey street and Summit will carry only 300,000 cubic feet at a current of a mile and a quarter an hour. The Chicago River will, as yet, handle little over 300,000 cubic feet; but a flow of 480,000 cubic feet will be possible when the work now under way is finished, while an additional volume of 120,000 cubic feet will be supplied through a large conduit to the Lake along Thirty-ninth street. The actual flow of water in the Chicago River is regulated in accordance with the orders of the Secretary of War. At present the flow permitted is 250,000 cubic feet per minute. With the progress of improvements in the river the increase of the permissible flow is to be expected.

The building of the canal involved the construction or alteration of many bridges, and in this, as in every part of the work, the needs of navigation were always kept in mind. The bridges are all either of the swing or rolling lift type, and the district boasts some of the largest

[a] By an act of the legislature of the State of Illinois in the year 1903, 78.6 square miles of territory to the north were added to the corporate limits of the original sanitary district and 94.5 square miles to the south. The present total area is now 358.1 square miles and 38 miles long from north to south.

lift bridges ever constructed. One of the railway bridges has space for eight tracks. Thirty-seven bridges have already been built or contracted for, and there are many more to be placed across the Chicago River. The following table shows their distribution on different parts of the channel:

Bridges across the Chicago Sanitary and Ship Canal.

	Highway.	Railroad.
Chicago River	9	1
Main channel	6	7
Desplaines River	2	4
Controlling works	1	
Joliet project	5	2
Total	23	14

The distribution of the construction expenditures is shown in the following table:

Statement of expenditures, account construction of main channel of sanitary district of Chicago and auxiliary work to June 1, 1904.

	Excavation, etc.	Bridges.
Main channel excavation, etc	$18,499,136.15	
Bridge construction, main channel		$1,975,114.73
Chicago River dredging, docking, etc	1,744,514.71	
Bridge construction, Chicago River		1,944,629.02
River diversion, excavation, etc	1,000,186.38	
Bridge construction, river division		142,391.94
Controlling works at Lockport	330,560.73	
Bridge construction, controlling works		7,873.35
Joliet project excavation, etc	1,285,760.98	
Bridge construction, Joliet project		271,161.66
Illinois and Michigan Canal improvement near Bridgeport	77,016.08	
Water power development	71,191.17	
Thirty-ninth street pumping plant	45,990.00	
Total	23,054,356.20	4,341,170.70
		23,054,355.20
		27,395,526.90

Of the total cost $18,000,000 at least would have been saved had the channel been made merely sufficient for the needs of sanitation, and not built with a view to the creation in the future of a deep waterway. The additional cost in the one matter of bridges alone, to make them all movable, so that they would not hinder navigation, was close to $2,500,000.

To make the immensity of the work done by the sanitary district all the clearer the following table of the quantities involved in the construction work, completed and under contract, as taken from the 1903 report of the chief engineer, is presented:

Quantities involved in the construction of the Chicago Sanitary and Ship Canal.

	Earth.	Rock.	Masonry.	Metal in bridges.
	Cu. yds.	*Cu. yds.*	*Cu. yds.*	*Pounds.*
Chicago River	3,209,946	4,473	59,695	21,091,490
Main channel	26,692,773	12,265,442	421,965	22,862,454
Desplaines River diversion	1,810,652	258,659	1,447	2,006,785
Controlling works		10,111	11,454	109,161
Joliet project	593,130	598,483	22,911	3,956,654
Water-power development	105,000	1,273,689	144,504	
Total	32,411,501	14,410,857	661,976	50,006,524

DESCRIPTION AND ESTIMATES OF THE PROJECTED DEEP WATERWAY.

Having described the Chicago Sanitary and Ship Canal as a complete section of a deep waterway to the Mississippi, and having shown that from it the full flow of water necessary to the waterway can be secured, your memorialists wish to point out one further fact in connection with it before proceeding to discuss in detail the projected improvement of the route. This is, that the Sanitary and Ship Canal is itself a most powerful engineering aid to the further work which must be undertaken. Considered as a mere instrument for the scouring of the bed of the Illinois River, the flow of water from the sanitary canal is worth millions of dollars, because it will save millions that would otherwise have to be spent. In broad rivers, such as is the Illinois for the greater part of its course, there is a tendency to alluvial deposits, and a large volume of water scours the channel and keeps it clear. The water from the sanitary canal thus becomes a force so powerful that engineers will take it into account from the very beginning of their reckonings. The full flow of 600,000 cubic feet of water per minute, possible in the Sanitary and Ship Canal, is one-half the volume in the Mississippi River at Rock Island during the low-water season. Its discharge into the Mississippi from the mouth of the Illinois at Grafton will therefore materially increase the volume of the Father of Waters for a great part of the year. It follows that, even below Grafton, in the Mississippi itself, the water from the Sanitary and Ship Canal will be an important aid in the engineering operations necessary for the establishment of permanent deep-water navigation.

From Lake Michigan at Chicago to St. Louis, following the water route, is 362 miles. Of this distance the Sanitary and Ship Canal has already fully developed 34 miles. There are 286 miles of the Desplaines and Illinois rivers to be improved, and the Mississippi River section covers 39 miles.

When the deep-waterway survey which your honorable body has authorized is completed, you will be in possession of full information as to the work which must be done and the expenses which must be incurred. Pending that time, it is nevertheless possible, as a result of preliminary surveys and estimates made on behalf of this sanitary district and of other organizations interested in the establishment of a deep waterway, to give figures and estimates that are close to the truth.

These estimates are made on the basis of a 22-foot channel from Chicago to Lake Joliet and a 14-foot channel from that point to the mouth of the Illinois. The 14-foot figure is chosen because it is that depth for which the sanitary and ship canal provides the necessary flow of water. An estimate of the cost of establishing a 14-foot channel from the mouth of the Illinois to St. Louis is also given, though it does not pretend to the same accuracy as the other estimates.

The characteristics of the river valley from the lower end of the Sanitary and Ship Canal to the Mississippi are of such nature that the distance can well be divided into three sections, requiring different methods of development and varying greatly in probable expense. The following table shows the main facts for these sections, as well as for the Sanitary and Ship Canal and for the Mississippi River as far as St. Louis.

Sections of the proposed waterway.	Length.	Declivity.	Minimum depth.	Number of levels.	Cost to January 1, 1904.
Chicago River and Chicago Sanitary and Ship Canal, Chicago to Lockport	*Miles.* 34	*Feet.* 24	*Feet.* 22	1	$42,503,168.80
Desplaines and Illinois rivers:					
Lockport to Lake Joliet	8	52	22	2	[a] 5,000,000.00
Lake Joliet to Utica	54	66	14	3	10,000,000.00
Utica to mouth of Illinois	227	32	14	1	7,000,000.00
Mississippi River, mouth of Illinois to St. Louis	39	21	14	2	5,000,000.00
Total for sections dependent on Government action	328	171		8	27,000,000.00

[a] Exclusive of the $3,000,000 which the sanitary district is about to spend on this section.

A discussion of the work still remaining to be done in order to secure such a deep waterway will now be given.

THE JOLIET SECTION—LOCKPORT TO LAKE JOLIET.

A depth of 22 feet, rather than of 14 feet, is dictated on the Lockport-Lake Joliet section of the proposed waterway, partly because the water-power development plans of the sanitary district will produce that depth for over half of the distance, and partly because, where the channel must be cut through rock, that depth will furnish the most economical method of handling the volume of water required on the lower reaches of the waterway. The sanitary district's water power plans have been carefully made with a view to future waterway construction, and the dams to be built will furnish no obstacles whatever. Two locks will be required. A location has been provided for a lock at the upper dam, giving a lift of about 34 feet. For the lower lock a location is set apart on the west side of the river. The locks must be large enough to handle whole fleets of barges and tugs.

The construction of the deep waterway on this section is the most difficult and expensive, mile for mile, that is required on any portion of the route. The total cost is estimated at $8,000,000, of which, as has been said, the sanitary district is preparing to spend $3,000,000, or about half of the primary cost of cutting the channel proper through the rock. The additional cost is required for the two great locks. An expenditure of $5,000,000 will, it is thought, be ample for the Government's share of the work, and it has been frequently suggested that the State of Illinois construct this section by prison labor from the penitentiary at Joliet, through which city the course runs.

THE UPPER ILLINOIS SECTION—LAKE JOLIET TO UTICA.

The 54 miles of the river immediately below Lake Joliet are much more easily handled from an engineering standpoint. The level of Lake Joliet is 76 feet below Lake Michigan, and the fall of 66 feet from this to the Utica level of 142 feet below the lake is made in a series of pools and rapids, according to the nature of the resisting strata. The three pools—Lake Joliet, Lake Du Page, and the pool above Marseilles—cover about one-third of the distance. There is a well-defined outlet valley and a developed stream bed, deeply cut for the greater part of the way. The distance between banks is from 500 to 700 feet. The tributary watershed varies from 6,400 square miles, at the mouth of the Kankakee, to 10,400 square miles at Utica, and gives rise to floods which come in part during the season of navigation. There are no artificial obstructions, except the mill dam at Marseilles, but six highway and three railroad bridges will require alteration.

The studies thus far made indicate the possibility of a proper treatment without injury to any great area of bottom lands. Lake Joliet, at the upper end of this section, is 5 miles long, and needs nothing but the cutting away of deposits in the shape of narrow gravel bars to insure the proper depth. In the rapids, the considerable declivity and consequent velocity make necessary a large and deep channel in the interests of navigation. Studies thus far made have proceeded for a depth of 14 feet and a width of 300 feet. Three levels or pools will be necessary, and three dams or locks. A 14-foot channel, with locks designed for an ultimate depth of 20 feet, can be secured, it is estimated, for $10,000,000.

THE LOWER ILLINOIS—UTICA TO THE MOUTH OF THE ILLINOIS.

The problem of river improvement changes entirely again after Utica is passed. From that city southward, the Illinois is an alluvial stream with a declivity so small as to be almost unique among American rivers, amounting to only 28 feet in the natural river, and only 32 feet from the level of the pool formed by the Henry dam at Utica bridge to the low-water line of the Mississippi. The stream bed is from 600 to 900 feet wide, and some 700 square miles of bottom lands are subject to overflow, the situation being complicated by backwater from the Mississippi, which at extreme high water is on a level with natural low water 30 miles below Utica. The banks are low, averaging not more than 12 to 14 feet above low water. There are four dams and locks, two built by the State at Henry and Copperas Creek and two by the United States at La Grange and Kampsville on this section.

Experience in dredging the sand bars showed a reasonable perma-

nence in results, even with the smaller volumes of water, before the Chicago Sanitary and Ship Canal was opened, but the volume was not sufficient to maintain a channel more than 4 to 6 feet deep. In the last two years, since the sanitary canal was opened, it has been possible to maintain a channel 7 feet deep and 200 feet wide, except at the mouth of the Illinois, without great trouble. When the full flow of 10,000 cubic feet a second passes out of the canal, this depth will be increased without further dredging. It is easy to see what a great effect this volume of water will have on the channel, for it is sixteen times greater than that of natural low water at La Salle, and eight times greater than at the mouth of the Illinois. It is a very appreciable quantity, even in comparison with bankfull figures, 12 feet above low water, which official measurements before the opening of the sanitary canal showed to be 18,000 to 22,000 cubic feet per second from Utica to Havana, 30,000 cubic feet at La Grange, and 40,000 cubic feet at Kampsville. The average low-water flow at the present time may be placed at about 5,000 cubic feet.

The problem, therefore, becomes the creation of an additional depth of 7 feet, and this can be secured for the most part by cheap hydraulic dredging. It is estimated that 70,000,000 yards would have to be removed, but for all of it there can be found easy places of deposit on the back channels, sloughs, and marshes near the banks, to the benefit of the bottoms. A channel 300 feet wide and 14 feet deep can be secured, it is believed, at a cost not to exceed $7,000,000. This does not make allowance for the aid which the scouring action of the augmented volume of the stream would give to the project, nor does it take into account economies in methods, which could be introduced on a work undertaken on so large a scale. For the $7,000,000 it is thought that practically 100,000,000 yards instead of 70,000,000 yards could be handled, and the channel could be made larger by just that proportion.

THE MISSISSIPPI RIVER, GRAFTON TO ST. LOUIS.

No detailed studies have been made as yet for this section of the route, but there is no reason to doubt that a 14-foot channel could be maintained. Of the 39 miles, with their total fall of 21 feet, the first 20 miles to Alton have a fall of only 7 feet, and by the establishment of a dam at that city, raising low water perhaps 10 feet, the extension of deep water to this point would be comparatively easy.

The next 19 miles have a fall of 14 feet, and the situation is complicated by the entrance of the Missouri. If the deepening of the channel should prove difficult it would still be quite possible to carry deep-water navigation to St. Louis Harbor by a short canal, and by developing channels behind Chouteau and Cabaret islands.

A deep waterway over this route could probably be kept open the entire year, for ice is much less of an obstruction to navigation on such a channel than on the Great Lakes. Records kept at Morris, on the upper Illinois, show an ice season of sixty to seventy days, as against one hundred and twenty to one hundred and forty days on the lake routes from Chicago to Buffalo. Possibly in two-thirds of the years ice would offer no obstruction at all to river navigation, while in the other years ice boats would easily keep navigation open.

The total estimate of the cost of all of these improvements from Lockport to St. Louis is $27,000,000, exclusive of what the sanitary district is to spend. While the estimates given are in some cases very liberal, it is not to be assumed that the total cost will be less than this amount; but it will certainly not greatly exceed it. Moreover, the channel may be put in use for navigation long before the entire amount is spent. The first 8 miles from Lockport to Lake Joliet would have to be completed as a whole at the outset. Lower down three locks and dams would also have to be finished to their final capacity before the opening of the deep waterway. The rest of the work could, however, be carried on at leisure afterwards, the prism of the river being progressively developed from year to year.

If a depth of 20 feet for the entire way is desired it would be perfectly possible to secure it without excessive additional cost. It would, however, be necessary to enlarge the Chicago Sanitary and Ship Canal, so as to provide at least double the volume of water it is now capable of carrying. The extension of a 20-foot channel from Lake Joliet to Utica would involve only a fraction of the cost of a 14-foot channel, while a 20-foot depth in the lower Illinois is simply a matter of water supply and dredging. The large volume of water would be here necessary as an insurance against deterioration. The total additional cost which a 20-foot channel instead of a 14-foot channel from Lockport to St. Louis would involve is roughly placed at $60,000,000.

A 20-foot channel in the Illinois valley is, however, not advocated by your memorialists as an affair of the present, because its full utilization would depend upon the establishment of a similar depth in the lower Mississippi to the Gulf of Mexico. As conditions now stand, the Mississippi offers a 14-foot depth below St. Louis, to equal the 14 feet now urged for the Illinois, for from five to seven months in the average year. An assured minimum of 9 to 10 feet is promised. The method by which a 20-foot depth in the lower Mississippi can be secured is not yet clear, though there is no reason to doubt its ultimate possibility.

Summarizing the facts thus far brought out, but leaving for the next section the discussion of the commercial importance of the deep waterway project, your memorialists respectfully urge upon your consideration the following points:

1. The construction of the proposed waterway is thoroughly practicable.

2. It does not involve the cutting of a new channel through rock, but is really the deepening and improving of an existing waterway, and so is consistent with the known policy of Congress.

3. The Chicago Sanitary and Ship Canal stands completed and ready for use as the eastern section of such a waterway.

4. The total cost of developing and making available a channel which in connection with the Sanitary and Ship Canal will furnish a waterway of 22 feet depth for the first 42 miles, and of 14 feet depth for the rest of the way, will not exceed $22,000,000 to the mouth of the Illinois or $27,000,000 to St. Louis, the larger figure being little more than half of what the sanitary district of Chicago will alone have spent when its entire work is finished.

5. Besides serving the purposes of navigation, the proposed channel would provide for the flood waters of the Desplaines and Illinois rivers, and thus prevent the serious injury now done almost yearly to the dwellers along the river valleys.

6. The State of Illinois has by legislation and by joint resolution of its general assembly not only formally given approval to the project, but contingently turned the channel over to the Federal Government for navigation purposes, the Government control to begin as soon as the full length of the waterway is open.

7. The 14-foot minimum depth is suggested as desirable, but without prejudice against any other depths which may prove after fuller surveys to be better.

Mr. OVERSTREET. I yield to the gentleman from New York.

Mr. BENNET of New York. Mr. Chairman, I have had the pleasure of listening in the last few months to very excellent addresses on the part of several Members of this House on the general subject of immigration; and I desire to speak briefly concerning the first four or five lines of the Dillingham bill, recently reported in the Senate, which, as to those particular lines, is practically the same as the bill this day ordered to be reported from the Committee on Immigration of the House.

As I followed the remarks of the gentleman from Alabama [Mr. UNDERWOOD], the gentleman from Kentucky [Mr. HOPKINS], and the gentleman from Tennessee [Mr. HOUSTON], I gathered that these gentlemen were what might be termed "selectionists;" that is, in favor of immigration of a proper sort and opposed to all immigration of an improper sort. The gentleman from Massachusetts [Mr. GARDNER] I would perhaps class as a "restrictionist," differing somewhat from the other three in his general ideas on the subject. Therefore, in what I have to say I will perhaps touch more directly upon the remarks of the three gentlemen who are "selectionists," than those of the gentleman from Massachusetts [Mr. GARDNER], a "restrictionist." The provision to which I refer in the Dillingham bill is as follows:

SECTION 1. That there shall be levied and collected and paid a duty of $5 for each and every passenger, not a citizen of the United States or of the Dominion of Canada, not a citizen of the Republic of Cuba, or the Republic of Mexico, who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by railway or other mode of transportation from foreign contiguous territory to the United States.

That is what is known as the "head tax" provision. The tax is paid by the steamship companies, and the two committees, that of the Senate and that of the House, are endeavoring to raise that head tax from $2, the sum at which it is now fixed, to $5.

Now, the aim of the "selectionists," as I understand it, is to get better immigrants. Some of them stated very frankly that they were opposed to immigrants from Italy and southeastern Europe; others said that their remarks apply to no particular race, but all said that they had no particular objection to number if the quality of the immigrant was all right.

Now, let us see how the $5 head tax will work out. I do not know whether it is generally understood that a $5 head tax means $5 on every man, woman, and child; that it is just the same on the nursing baby as it is on the sturdy workman; that there is no gradation, change, or difference. So here is what happens. My friends say they want to keep out the man who comes here just for a few months to earn money and then go back to some other country. A $5 head tax does not affect him at all. It simply means that he has to make arrangements not only to get the money to pay his fare across the ocean, but to pay the additional $3 which will be deducted from his first week's or month's money. You have not even caused him inconvenience. He has only himself to look out for. The difference in wages between the country from which he comes and the wages here make this up so quickly that the amount is absolutely inconsiderable so far as he is concerned, and you have not kept one of these men out. On the other hand, take what these gentlemen call the desirable classes of immigrants, the men from the northern part of Europe, for whom I have just as high respect as they, although I differ with them in their attempt to classify immigration as desirable or undesirable by countries. Take the men who come from there with families. Take the man who comes with his wife and five or six children, as these Germans, Irishmen, Finns, Swedes, Danes, and Norwegians do, day after day, into the ports of Boston, New York, Philadelphia, and the other ports. Instead of meaning $5 to every one of those men it means $5 multiplied by as many as there are in his family, down to the youngest child; and instead of restricting the coming of the man who means to stay but a few months to make a little money and go back, and the single man, you have penalized the man who intends coming here with his family to make this his permanent home and abiding place. So much for that branch of it.

If there ever was a bill that should have been labeled a gift to foreign steamship companies, this is that bill. Who pays this head tax? The law says that it is a lien on the steamship, and the steamship company pays it. How does it pay it? Why, of course, in the end the money does not come out of the funds of the steamship company, but it is put on the ticket. Obviously, there can be but one price for tickets, and to-day there is but one price. So what is the result? Does the alien immigrant alone pay this head tax? Oh, no; everybody who comes across the Atlantic Ocean, first or second class or steerage, pays it to-day; either the full $2 or some portion of it; and where the

Government does not get the $2—that is, where the money is paid by an American citizen returning or an alien who already has a domicile here, or anyone, except those to whom the law applies—the steamship company gets the $2, and we are legislating to raise the rate of dividend of the German and all the other foreign steamship lines, for we have only one American line of shipping on the Atlantic coast engaged in this business, that line running to Philadelphia and New York. So that is what we are going to do. There was not a steamship company came before our committee to protest, and I do not wonder. It had been advertised far and abroad that the head tax was going to be raised. That was a gift for the steamship companies to the extent of $3 on every ticket sold to other than aliens. That is all that that particular part of this much-advertised bill does. It stops nobody except the man with a wife and family.

The steamship companies! It gives them all there is in the bill. American citizens returning from abroad! It makes them pay either the full $5, or so much as the steamship companies determine that the traffic will stand of the $5, in addition to what they would otherwise pay for passage; and, above all, and more than that, this bill takes from the immigrating family $5 for every man, woman, and child of the immigrants that the gentlemen to whom I have alluded most earnestly desire. What will they do? They will do what they are doing now to some extent, only more so. Instead of taking a steamer for an American port and becoming valuable American citizens, with American opportunities for themselves and their children, they will take a British steamer to Canada or some other foreign steamer to Argentina, and we shall lose just the kind of immigrants who in the early days went out on the western prairies and everywhere and built up all of the great Middle West. Canada, that is to-day sending agents down into Minnesota and Wisconsin and paying them a premium for every American citizen that they can get to emigrate across the border over into their wheat fields, will get the kind of immigrants that these gentlemen say that they want to get here.

I intend, as to that particular provision of the bill, should it come before the House, to vote against it. I think the sober second thought of the Members here, when they study the question, will lead them along the same lines, and I believe that when that question is thoroughly considered they will come to the conclusion that the head tax is all right for this purpose—and this purpose only—to pay the expenses of the immigration service. What are the facts to-day? This $2 head tax has been in force just three years, and to-day they have paid all the expenses of immigration out of the fund raised from that $2 head tax and have a fund of over $2,000,000 as a surplus; and when I say "expenses" I include additional land and new buildings. The gentlemen who drafted the House bill were so certain that it would be a revenue-producing measure, that it would produce more money than would be necessary for the needs of the service, as to insert the provision that where the head tax produces more than two and one-half million dollars yearly the surplus shall be paid into the Treasury of the United States.

In other words, if this bill succeeds, we are going into the business of taxing not only the immigrant, which is bad enough, but taxing the casual visitor, for this bill applies to every alien passenger that crosses either the Atlantic or Pacific ocean, and making each of our own citizens pay $5 to some foreign steamship company. Every German that comes to investigate our great resources, every Englishman who travels in the great West is subject to this tax. Up to last year there had more Englishmen gone each year through the Yellowstone Park than there had Americans. He pays, in addition to the expenses of travel, an utterly unnecessary sum of $5. Up to this time the head tax has not been a large sum, and it has not been noticed, but the increase will be noticed and travel will be diverted. It is these annoying little things at the threshold that do divert travel.

To sum up, we do not stop a single undesirable man by the increase. We make the poor man, who has had to struggle to get here, who has money enough to start him in, go down into his slender resources and pay the Government—that does not need it—anywhere from $10 to $60 for the privilege of crossing our shore line. We accomplish nothing by it, and I hope when the bill comes before the House this head tax will be put back where it is now, where it is justified, where it simply raises money enough to cover the expense and causes no one any serious inconvenience. [Applause.]

Mr. OVERSTREET. I suggest now that the gentleman from Tennessee occupy the remainder of the afternoon.

Mr. MOON of Tennessee. Mr. Chairman, I yield one hour to the gentleman from Mississippi [Mr. BYRD].

Mr. BYRD. Mr. Chairman, considering its record, one must view with misgiving confidence the conduct of the party in power, as represented on this floor, in having supported the measure to save the people from the extortions, discriminations, and rebates by the railroads. If sincere in its protestation for public good, why has it not made an effort to rid the country of that more grievous evil—the unbridled and unconscionable trusts? Nor will the American people confide in the fidelity of the President in supporting this great Democratic policy unless he intensifies his efforts to save them from these far more destructive evils. His abortive court procedure invokes derisive contempt from both the people and the trusts, and this mockery is being accepted by many as either an approval of or a surrender to these monsters of iniquity by the party in power.

The Administration must know that the trusts are barricaded by protection; it must further know the most serious blow that could be inflicted is to repeal the protective schedules of the Dingley law. They laugh at the futile attempts to enforce the antitrust laws, but if the trust-controlled articles were put upon the free list there would be "wailing and gnashing of teeth" in their camp. It is within the power of this Congress to destroy 85 per cent of the trusts within the next twenty days, and it is "up to" our Republican friends to act now or stand branded as the champions of the most villainous iniquity of the age. The President in his early manhood drank too deeply of the political philosophy of Cobden and Bright not to be fully advised that the trusts are the fruits of protection, and his acute strenuosity in investigating public wrongs must have long since convinced him that the existing railroad abuses are largely the parasitic evils of protecton and trusts—that in the clutches of such giants as the steel, beef, and oil trusts the greatest railroads are as powerless as a private citizen, and that when they say "Come," they cometh, "Go," they goeth, or are either absorbed or subjected to a ruinous boycott. Knowing these facts and remembering that he has acquired a reputation for proverbial honesty of statesmanship, we can not account for his complete surrender to the tariff "stand-pat" policy of his party, unless it be that his quietude is inspired by the disloyalty of his party friends; too, he doubtless remembers that it took Moses many years to overcome the idolatry of the Israelites.

Mr. Chairman, I am an avowed advocate of railroad rate legislation, believing that rebates and private car lines are auxiliaries to the trusts. I voted for the Hepburn bill, and, though defective as it is, I believe its adoption will likely result in much good to the country. But to one who thinks a moment about the industrial conditions of the country, how insignificant must appear the "graft" of railroads when contrasted with the wholesale robberies of the trusts. While the railroads have increased the price of freight on lumber about 17 per cent, the lumber trust has increased the cost of the product to the home builder more than 100 per cent. While the railroads have increased the freight on shoes about one-fourth of a cent per pair from Boston to the South, the hide trust, an adjunct of the beef trust, has increased the price from 10 to 50 cents per pair within the last six months. Governor Douglas, of Massachusetts, is credited with recently saying that the duty on hides alone annually cost the people $10,000,000, of which $2,250,000 is paid to the Government and the balance of more than $7,000,000 to the hide trust. The railroads have unjustly increased the freight on agricultural implements from Chicago to the great Southwest, but the international harvester trust sell the same products to the foreign farmer for from 20 to 30 per cent less than to those at home. Since the Dingley law went into operation the railroads have doubtless largely increased the freight on iron, steel, and the manufactures thereof, but the steel trust has almost doubled the price of these products. A manufacturer of farm wagons, in explaining why he advanced prices 25 per cent, said:

> Less than two years ago the president of the great steel corporation testified that bar iron and steel could be produced at a profit for $12.50 per ton, and for steel we must pay $40, or over 200 per cent profit. The steel magnates tell us that when iron was sold at $18 per ton the price was too low and was a breeder of panics; but we all recall the fact that in 1893 the Carnegie properties were valued at less than $10,000,000, and that after five years of panic and $18 prices Mr. Carnegie sold his interests alone in these properties for $360,000,000. This was 350 per cent profit in five years, or 72 per cent annually, and in panic times, too. How long, O Lord, how long, will "the dear people" be thus fooled?

And, too, how insignificant appear the rebates on the freight on sugar when compared with the millions annually pocketed by the sugar trust; and as another evidence of the insincerity of our Republican friends, let me state that the Democrats on two different occasions within the last two years have voted almost solidly to repeal the duty on refined sugar and thereby destroy the sugar trust, while our Republican friends voted almost solidly against the proposition. But more than this, there are a cartload of bills before the Ways and Means Committee touch-

ing every phase of the tariff law, all having for their chief aim the abolition of a trust, as well as the opening of new markets for our increasing commerce, and if passed would save millions to the consumers on agricultural implements, barbed wire, shoes, vehicles, and other necessaries. But they are as dead in that committee as though interred in the Arlington Cemetery. [Laughter.]

Mr. Chairman, what better evidence of the duplicity and arrant hypocrisy of the Republican party is wanted? It may be that their policy of crucifying the witch and sparing the devil is founded upon the lurking prejudice against the railroads for failing to "come across" as liberally as they should have done in the late Presidential campaign. Perhaps if the latter had contributed as liberally as did the trusts and the insurance companies, these Ahabs of protection might have spared their vineyards, and at this good hour their lords might have been wining and dining with the McCurdys in the courts abroad. [Laughter and applause on the Democratic side.]

Our Republican friends should not conclude for a moment that by their cuttlefish antics in dealing with existing wrongs they can muddy the waters of public opinion. The people are beginning to know the real issue, the real cause of the trouble, and appreciate the insincerity of any effort to abolish the trusts without the abolition of protection. It is known in every hamlet that the steel trust, sugar trust, agricultural-implement trust, and many others are waxing strong and stronger, day by day, under the sheltering schedules of the Dingley law.

The question of the hour is, Who shall live—the people or the trusts? Who shall sway the rod of empire—the people or these monsters of protection? Whether the great agricultural industry of the South and West shall be released from these bandits of spoliation and have a free and unfettered market for their increasing crops and whether the multitude of American consumers shall continue to pay more tribute to the moguls of protection than to the support of their Government are the real issues.

The people are determined in their efforts for reform, and our Republican friends can not quell them by such pacific measures as this emasculated Hepburn bill or by sending a few petty thieves from the Post-Office Department to the penitentiary. The wage-earners want a chance to enjoy the fruits of their toil. The masses are crying for an opportunity to spend their hard earnings in the support and education of their families instead of dividing it with bandits. The 30,000,000 of our farmers, who scorn a bounty from the Government, demand the world for their market. Their broad acres are smiling with riches as soon as the Government stays the hand of the robber and removes the protective wall that isolates them from the world.

Mr. Chairman, I dare say that if the great consuming masses of the country could fully appreciate the extent of the wholesale robbery being daily perpetrated under the laws of their country, if they could know and behold the truth of the iniquities that follow in the wake of protection, there would be a political revolution the like of which has not found a place in history.

The great mass of our plain, patriotic people, having labored incessantly for a living, have never considered seriously the proposition that under trust rule every cent of duty levied under the Dingley law on any article is paid by them, whether the same is imported or made at home. Thus, if the American farmers annually purchase 1,000,000 sewing machines, of which 1,000 are imported and 999,000 made at home, then the price of the 1,000, plus the tax of from $5 to $10 each, fixes the price of the entire number manufactured at home. The tariff tax is always added to the cost of the domestic product as well as to the cost of the imported article. If it is not added to the domestic as well as the imported article, there would be no use for protection. Its sole purpose is to enable the home manufacturer to add the amount of the tariff as an extra profit to the cost of production. Otherwise no one would want protection, or a low duty would do as well as a high one. In other words, when a manufacturer demands that there shall be a duty of 45 or 50 per cent tax on the article he makes, then he is simply asking the Government to permit him to add the said amount to the cost of production, since the difference in the expense of manufacturing here and elsewhere is more than equaled by the cost of transportation from a foreign country. This seems so plain that a wayfaring man, though a fool, may see it.

Speaking of the effect of protection, Alexander Hamilton said:

> Duties of this nature evidently amount to a virtual bounty on the domestic fabrics.

To the same effect John Quincy Adams wrote:

> The duty constitutes a part of the price of the whole mass of the article in the market. It is substantially paid upon the article of domestic manufacture as well as upon that of foreign production. Upon one it is a bounty, upon the other a burden, and the repeal of the tax must operate as an equivalent reduction of the price of the article, whether foreign or domestic.

If the duty was regarded by the ablest friends of protection as a bounty to the manufacturer, and paid by the consumer, when there were no trusts, how should it now be considered when every vestige of domestic competition is destroyed?

Mr. Chairman, I contend that, separated by thousands of miles from all formidable competition and having more convenient raw material than any other nation, we can compete with any country in the manufacture of almost any article. I contend, further, that the entire tariff tax, amounting to not less than an average of 48 per cent on all kinds of manufactures, is a subsidy to the manufacturers, if taken; and I contend, further, that under the trust rule it is accepted and passed as a surplus profit into the coffers of the trusts. In these contentions I believe that I am sustained by the intelligent judgment of the American people, if not by the Republican wizards of this House.

In this connection let me read you a table showing the total amount of four leading products imported into the United States in 1905, together with the actual per cent rate of duty paid and amount received by the Government:

Articles.	Value.	Duty.	Ad valorem rate.
			Per ct.
Iron and steel products	$22,044,937	$8,422,237	38
Meat products	726,664	254,332	35
Agricultural implements	13,876	2,775	20
Glass and glassware	5,776,669	3,311,715	57

The value of these imports plus the cost of transportation and plus the duty collected not only fixed their prices in this market, but also the prices of all like domestic products consumed. There is no difference in market price of an imported and non-imported article of like class. "A dress suit that cost $22 in Berlin, plus a $19 import duty, could not be duplicated out of domestic goods of like kind in this city for less than $40," says a substantial citizen. Schwab, while at the head of the steel trust, wrote his man Frick a few years ago that, while steel rails sold here for $28 a ton, he could deliver them in England for $16 and make $4 profit. It is a well-known fact that the beef trust sells meat 25 per cent higher in Buffalo than just across the line in Canada. The net profits of American steel industry alone for 1905 amounted to $119,850,282. The Canadian tariff commission says:

> Makers of thrashing machines, feeders, stackers, weighers, baggers, and portable farm engines in the United States are selling these things in Canada at 35 per cent below American prices. They say that the discounts are that much below what any jobber can obtain them for in the United States, and that a trade has been built up which amounts to $750,000 a year.

These facts not only verify the doctrine of Hamilton and Adams, but demonstrate to every impartial mind that the entire duty is taxed against the consumer, that on the imported article going to the Government and on the domestic article to the trusts, which are born of protection and sired by the Republican party.

Thus there are 6,000,000 farms in the United States, and granting that each consumes 200 pounds of domestic wire, valued at 4 cents per pound, we find they consume 1,200,000,000 pounds, costing $48,000,000; and applying the principle just enunciated we find that 42 per cent of the $48,000,000, or $20,000,000, is tariff profit to the trusts. The truth of this is apparent.

Let us apply this doctrine to a few of the general schedules of the Dingley law and note the results. By adding 15 per cent increase to the amount shown by the census report for 1900, we find that in 1905 the total iron and steel products manufactured in the United States amounted to $1,131,395,205, of which $134,727,221 was exported, leaving for home consumption the amount of $996,667,984. Of this amount 38 per cent, or approximately $378,000,000, was tax levied for the trust, while the Government on like products imported for the same year received only $8,472,237, as is shown by the table just read.

In the same year and in the same manner we find that our total manufactured meat products amounted to $1,000,000,000, being $745,567,433 in 1900, of which was exported the amount of $169,999,685, leaving $830,000,315 for home consumption. Of this amount 35 per cent, or quite $290,000,000, was tariff bounty to the meat trust, while the Government, as per the table read, received a tax on the imported product of only $254,332. The average duty of 35 per cent is a modest estimate, since the tax is 2 cents a pound on fresh meats, 5 cents on hams and bacon, and 35 per cent on extracts of meat.

Likewise in 1905 we manufactured agricultural implements to the amount of $126,000,000, of which we exported $29,721,741, leaving $96,278,259 for the home market. Of this 20 per cent,

or about $19,000,000, was tariff to the trust, while the Government on like imported articles received only $2,775, the amount imported being $13,876.

It is estimated that in 1905 we produced about $175,000,000 of glass and glassware and exported $2,252,709, leaving for the domestic market $192,747,291, of which 57 per cent, or more than $86,000,000, is tax profit pure and simple.

In the same manner, on scores of other articles of everyday consumption, such as sugar, leather products, woolen goods, hats, cutlery, sewing machines, etc., it can be shown that, under the Dingley trust reign, the consumers are paying many times more to the trusts than to the Government. Collecting the facts I have just stated, we find that in 1905 the American consumers on four leading articles of everyday consumption were taxed by the Dingley law $773,000,000 for the trusts, while only $14,506,013 for their Government, as is shown by this table:

Articles.	To the Government.	To the trusts.
Iron and steel products	$8,472,237	$378,000,000
Meat products	254,332	290,000,000
Agricultural implements	2,775	19,000,000
Glass and glassware	5,776,669	86,000,000
Total	14,506,013	773,000,000

Mr. Chairman, this is a remarkable disclosure indeed, but it is nevertheless true. These estimates are based upon the rate of duty collected on the class of articles imported, while there are many articles in the schedules bearing a much higher duty that are not imported. If anyone doubts the truth of these figures let him go in the markets and buy a beefsteak, a window sash, a mowing machine, a roll of steel wire, and then have the same order duplicated in any free market. I dare say that there are 80,000,000 of American consumers who are willing to attest the truth of this proposition.

Let us present this robbery in another phase. A purchaser going into the markets to buy a bill of goods, places at least one-third of his money to the credit of the trusts. The farmer buying a bill of necessaries in the home market pays the trusts the same tax he would have to pay the Government were he to buy them in England and bring them to this country. We submit the following, showing the approximate amount of "graft" for the trust on a modest bill of domestic merchandise, estimating the same according to the actual amount of tax paid on like products imported in 1905:

Articles.	Total cost.	Trust tax.
Sewing machine	$25.00	$7.00
Disk harrow	40.00	11.00
Vehicle	50.00	8.33
Set of harness	30.00	8.26
Worsted suit	20.00	9.46
Glass, door, and window panels	50.00	31.80
3 barrels sugar	15.00	4.62
Total	230.00	80.47

The same bill of goods, made at the same time, out of the same material and in the same factories, is sold to foreigners at $80.57 less than at home, and still the farmer votes the Republican ticket. I never think of protection and the farmer that I am not reminded of Macklin's definition of law, when he said: "It is a sort of hocus-pocus science, that smiles in yer face while it picks yer pockets."

But, sir, there is one pertinent inquiry in this connection that I desire to make. How can your party face the farmers of the West in defense of a policy that taxes them $19,000,000 for the trusts while only $2,775 for their Government? Or, how are you to stand before the 80,000,000 of our meat consumers, who are being annually robbed under your coveted policy of $290,000,000? If they knew, as we know, your party would be crying for the mountains to fall upon it to hide its iniquity.

A few days ago I introduced a bill to place all kinds of manufactured meat products on the free list, and if this Congress will pass it, not only will the beef trust be destroyed, but millions will be blessed. Canada has a meat surplus of $31,000,000; Argentina, $27,000,000; New Zealand, $19,000,000, and Australia $11,000,000, as well as other countries many millions, all ready to come into our market and destroy the trust, if you will but pass this bill. Now, what are you going to do—stand by the people or the trust?

Charles Edward Russell, in his valuable work on the beef trust, says it annually extracts from the railroads $25,000,000 in rebates. The rate bill is intended to stop this iniquity. Now, by passing this bill and cutting off the multiplied millions of tariff "graft," this monster of criminal aggression will be shorn of its gory locks. In the brief period of ten days you can accomplish more good than can the courts in a century. Adopt this measure and not only will the trust be destroyed, but millions of the poor who have not tasted this life-giving food for months will waft your praises to heaven.

Mr. Chairman, in view of these appalling abuses of protection we should send a message of warning to the American people. It should be proclaimed in every hamlet that the time has arrived in the life of this Republic when under the law a private citizen is taxed many times more to enrich the trusts than to support his Government. Every toiling farmer should be impressed with the truth of the statement that his class is taxed annually a hundred times more for the trusts than for the Government on the implements of husbandry; and the whole people should know that their annual tribute to the beef trust alone is nearly equal to the total expenditures of the Government. Impart these facts as we know them, and I dare say there will be a political panic in November.

Mr. GREENE. May I ask the gentleman a question?

Mr. BYRD. Yes, sir.

Mr. GREENE. What is the state of industry in Mississippi to-day, prosperous or not?

Mr. BYRD. Everything is prosperous, but nothing depending on protection.

Mr. GREENE. Are they very prosperous?

Mr. BYRD. Yes.

Mr. GREENE. What was the state of industry under the Wilson bill?

Mr. BYRD. My brother, if you will sit in that chair and listen until I get through I will tell you.

Mr. GREENE. Will not the gentleman answer what was the state of industry during the life of the Wilson bill?

Mr. BYRD. Well, not as bad as in 1873, when the Republicans had control.

Mr. GREENE. Never mind that; I ask you what was the state of industry under the Wilson bill?

Mr. BYRD. About as good as at any other time back to 1860, when the Republican reign began.

Mr. POU. Will the gentleman allow me a question?

Mr. BYRD. Only a question.

Mr. POU. I would like to inquire if the paralyzed conditions did not exist in foreign countries at that time as well as in the United States?

Mr. BYRD. Yes; that is all in my speech, and I do not want to anticipate.

Mr. WILLIAMS. If the gentleman will pardon me, I want to suggest in answer to the gentleman from Massachusetts [Mr. GREENE] that the price of cotton in Mississippi was lower under the first McKinley Administration than it has ever been in the history of the country.

Mr. BYRD. Protection is binding the Government and the trusts in enduring wedlock, and the Republican party is the high priest officiating at the nuptial debauchery. This unhallowed union reminds one of that ancient Jew, of reasonable respectability, who united his destiny with the princess of devils—Jezabel. But these unholy bonds must be dissolved; the time for separation is at hand; the unforgiving sin has been committed. Appeals to the courts will not suffice; such punishment is regarded by the trusts as the boy considers the brief, stinging "flogging" of his affectionate father. If the party in power really desires their destruction, if it really craves consternation in their ranks, immediately sever their life-giving artery—protection. [Applause.]

I am aware that the power of taxation for legitimate purposes is inherent in all governments, that revenue is the lifeblood of organized society, and that often in the administration of this high function of government grevious wrongs have been committed in all ages and in all countries. But surely not elsewhere in the realms of civilization can be found a parallel for such prostitution of the taxing power as under the Dingley law. Other nations impose duties, but not for the sole purpose of fostering criminals. By a system of impressment the Sultan of Turkey may appropriate the entire estate of his subject even to support his lusty harem, but the priest-ridden heathen is taught that his sacrifice is for the public good. Ours is a system of legalized impressment by which private property is subjected, not for public weal but private greed. The lustful Oriental inflicts his wrong for public vice—ours is for private, and oftimes bacchanalian debauchery; and while the wrongs of the one may be forgotten in blissful ignorance, the tyrannies of the other will endure as long as the fire of just resentment burns in a patriotic heart. [Applause.]

Sir, in answer to those who refer to free oil and the Standard Oil trust to disprove the contention that protection is the au-

thor of these evils, I want to say that that monster of finance is not more dependent on oil than on protected industries for its wonderful success. It has reached out and drawn into its hideous fold many of our most highly protected enterprises. The Evening Times a few days ago gave a long list of protected industries, representing hundreds of millions of dollars, controlled by the Standard Oil people. Nor do we admit that oil and petroleum are unprotected. It is true that they are on the free list, but with this proviso:

That if there be imported into the United States crude petroleum or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall, in such cases, be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country.

Russia, our only competitor in the export of oil, having protected her product by a heavy duty against all countries, is excluded from our markets by this act, and with the Russian products outlawed the trust has no opposition from any quarter. Indeed this is a very artful manner of providing for this baby industry by its friends. But "the ox knoweth his owner and the ass his master's crib." [Applause.]

A trust lives only when competition dies, and it is not a trust until all competitors are destroyed or controlled. Anything that limits the number or domain of independent industries facilitates trust formation, and if it is difficult to destroy competition in a county it is more so in a State, still more so in the nation, and infinitely more so in the world. This being true, and protection having destroyed foreign competition, it follows as a logical sequence that this is an inviting field to be exploited by those strong enough to overcome domestic competition. The princely bounties offered intensify industrial effort to such an extent that our manufacturers, like ravenous wolves over the carcass of the plains, contest with each other for the lion's share of the booty, destroying the weak to satisfy gourmandized greed. If this alluring bequest is not the real trouble, why should this be such a coveted home for the trusts? Why do they not abound in Mexico and Canada? Or why did they not infest this country in the days when this bounty was not so inviting? The unlawful centralization of capital has intensified in the same ratio that tariff profits have increased, and the trusts will be destroyed to the same extent that these emoluments are diminished. It may be true that a few might survive the wreck of tariff reformation, but they would be emasculated of all danger; would be like the hideous, writhing serpent with its poisonous fangs extracted—might strike, but do no harm. In that event the consumers would have the open markets of the world as a protecting shield from the criminal extortions at home.

Mr. Chairman, having at the last session submitted a few remarks touching the effect of protection on our foreign markets, I will not again discuss it more than to say that in retaliation of our trust-breeding policy Canada, China, England, and Germany are rapidly boycotting our products. Canada is passing her antidumping laws, and our outlawed goods are rotting in the warehouses of China. England is largely buying her great food supply from Argentina, Canada, Denmark, the Netherlands, and elsewhere, and Germany has grown so vindictive in her retaliating war policy as to necessitate the intervention of our State Department to hold her in abeyance for even twelve months. Under her new tariff American meat products are completely excluded from that market. I wonder what the meat producers of the West will think of protection and the trusts when they learn that this rich market, which in 1905 consumed $72,000,000 of their products, will soon be closed to them, and when they learn from a bulletin just published by the Agricultural Department that their product is being rapidly driven from Great Britain, the greatest meat market of the world; that there has been no increase in the importation into that country from the United States since 1895, while from Canada and Denmark it has doubled, and from Argentina it has increased fourfold. In the item of fresh beef alone England's annual imports from the United States in the same time have declined from 75 to 55 per cent, and from Argentina have increased from 2 to 36 per cent. Destroy protection and the trusts and you will end the Chamberlain crusade against American products in that rich market.

Some months ago the New York Chamber of Commerce sent out a circular letter warning the country of the dangers threatening our foreign trade, from which I read the following:

It is of the utmost importance that the National Government be informed in no uncertain terms of the demand of the business community that our foreign trade be extended and enlarged by improved commercial relations with the countries of Europe, so that the imminent danger of a disastrous tariff war of retaliation may be avoided, and we would therefore urge you to present your views on this subject to the President of the United States and his advisers, and also to the Senators and Congressmen from your State. It is necessary that this important question, which means either life and growth or practical extinction to a large part of our valuable export trade, should be thoroughly agitated. To this end the prompt, thorough, and effective support of all the commercial organizations of the country is imperatively demanded.

Again, permit me to say that the future of the South is vitally interested in the revocation of this market-destroying policy. She is absolutely dependent on foreign consumption of her great staple product. Anything limiting the extent of her market is destructive to her prosperity. In 1895 foreign countries took our cotton, 4,870,451 bales, at 5 cents per pound, and in 1905 they took about 8,000,000 bales, at from 8 to 12 cents per pound. Our sales of raw cotton to Japan and China from 1901 to 1905 have increased from 86,243 to 332,243 bales.

In 1895 our total exports of cotton cloths amounted to 694,500,715 yards, of which 474,909,500 yards went to China alone. She paid for this product $27,761,095, while in 1903 she took only 277,671,500 yards, valued at $13,085,860, having more than doubled in three years. These figures are remarkable indeed when we consider for a moment that little more than a decade ago our cotton products were not noted in the statistics from that country. At this ratio of increase China alone will, in less than ten years, consume one-third of our cotton products. She is the greatest prospective cotton market of the world, being more densely populated and just emerging from a state of semi-barbarism, she has wonderful trade advantages for those who are judicious enough to embrace them. It is our candid opinion that an unfettered market with that country will enrich not only the South, but the cotton factory districts of New England; and, in view of this fact, it is strange indeed how anyone living in that section can affiliate with a party whose policy tends to isolate them from the richest market of the world.

But can we have any assurance of these promised riches from China with her 400,000,000 people? Have we not by our misguided legislation invoked a ruinous boycott to American commerce, if not civil war with that country? Instead of marshaling our armies upon the shores of China, why not modify our tariff schedule and repeal the discriminating features of the Chinese exclusion law, or why not apply its provisions to like characters from other countries, thereby removing its offending features, and save the South its greatest market, as well as the nation from threatened war? Instead of spending this session on minor measures, why not do something that will make half of New England and all of the South sing our praises? To the South peace with China means wealth; war means ruin.

But, just in this connection, I want to say that all praise is due the President for recently sending special trade agents to South America, China, and elsewhere. The reports of two of these, Messrs. Crist and Burrell, just issued by the Bureau of Commerce and Labor, is a revelation on the possibilities of our trade with China, and should be read by every citizen.

Permit me to read from them a few brief excerpts touching the cotton possibilities in China:

American manufactures, especially of cotton goods, have a wonderful opportunity in China. The territory for exploiting is practically a limitless one. * * * With the establishment here of more Americans in the foreign trade the use of various cotton goods should increase greatly and all competition should be overcome. * * * Out of a total value of cotton piece goods sold in this (Tientsin) market during 1904 of over $6,500,000, these lines represent the great bulk, and approximately two-thirds of the sum stated are supplied by Manchester mills from cotton obtained in America, shipped across the Atlantic Ocean, woven into cloth, and shipped to northern China. That a greatly increased share of this as well as of the entire Chinese market can be won by American manufacturers and held against all competitors there is not the slightest doubt. * * * The offtake from the Shanghai market, where virtually the entire import is centered, has grown from a total in 1895 of 1,647,000 pieces of all descriptions of American goods to a total in 1904 of 8,200,000 pieces, in round numbers. It is estimated that this year fully 10,000,000 pieces of cotton goods have been imported, all indicating a most gratifying increase in the exportation of American piece goods to this market. * * * *The boycott caused a complete stagnation of business*, and the enormous quantity of goods ordered for speculative purposes also affected the situation. Extensive orders had been placed in due time, shipments were made, and cargo after cargo of piece goods arrived in Shanghai, only to be consigned to the warehouses or godowns.

Mr. Chairman, this disastrous boycott of American goods by China is not the only result of the discriminating features of the Chinese-exclusion law, but is largely caused by the maladministration of that law. Hon. John W. Foster, once a Cabinet officer and the very best authority on the subject, recently said:

The Chinese boycott of American goods is a striking evidence of an awakening spirit of resentment in the great Empire against the injustice and aggression of foreign countries. * * * The treatment which the Chinese residents have received at the hands of hoodlums, ruffians, race haters, and mobs has been a disgrace to our civilization; but that has not been so shameful as their treatment by the officials of Federal and local governments.

In describing a recent raid against the Chinese by Federal officers in Boston, he says:

Every Chinese who did not at once produce his certificate of residence was taken in charge, and the unfortunate ones were rushed off

to the Federal building without further ceremony. * * * In the raid no mercy was shown by the Government officials. The frightened Chinese who had sought to escape were dragged from their hiding places and stowed like cattle upon wagons or other vehicles to be conveyed to the designated place of detention. On one of those wagons or trucks from seventy to eighty persons were thrown, and soon after it moved it was overturned. A scene of indescribable confusion followed, in which the shrieks of those attempting to escape mingled with the groans of those who were injured.

But leaving this part of my subject let me say that the average duty on all protected articles under the Dingley law is about 48 per cent, and since at least 80 per cent of our manufactured products are controlled by the trust for the sole purpose of appropriating all the tariff bounty, that counting only 20 per cent of the value of our entire manufactured products as tariff tax, we have an alarming result. In 1900 our total manufactured products amounted to $8,370,000,000, and for 1905 it is estimated at not less than $9,000,000,000. Of this amount we exported $548,607,975, leaving a balance of $8,456,392,025 for home consumption, on which the American consumer paid a tax at this conservative rate of about $1,691,278,405 to the trust, while in the same year they paid less than one-half of this amount to support the Government. But some will contend that this amount is not added. If not, why not? The real truth is, more is added, when we consider that there are more than a hundred articles controlled by the trust on which the tax is more than 100 per cent.

In this connection there is another thought worthy of consideration. If we will deduct the tariff value, together with the $2,000,000,000 of raw farm products that enter into manufactures, we will find that the net value of the entire factory products is $5,308,721,595, while that of the farm is $6,415,000,000. In the fiscal year 1905 the exports from the American farm amounted to $820,863,405, and from the factory $543,607,975. These figures show conclusively that the farm is our greatest wealth-producing industry, yet it is a remarkable fact that rural wealth has not increased in the same proportion as that of the factory centers, the cities, as will appear from the following table, from 1860 to 1900:

Year.	Urban.	Rural.
1860	$8,180,000,000	$7,980,000,000
1880	31,538,000,000	12,104,000,000
1900	73,786,000,000	20,514,000,000

What a remarkable difference would have been in this table if the one had not been subsidized with a bounty of from one-half to one billion dollars annually almost exclusively at the expense of the other. Protection is the cause of the disparity of these figures. Upon what principle of economic philosophy can such a policy be predicated; or where can a logical reason be found for destroying the market for a greater industry in order that a smaller one may thrive on monopoly? Or, in this Union of equal States, how can you justify pauperizing one to enrich another? Such a policy is abhorrent to every principle of political economy, and will ultimately destroy the Republic unless checked.

Mr. Chairman, our Republican friends scorn the idea of ridding the country of this iniquity, their leader having announced a few days ago that there would be no tariff legislation in the Fifty-ninth Congress. By their inaction they acknowledge to the world that favoritism in the administration of Republican government is a virtue; that legalized robbery is a benediction; that sectionalism is the spirit of the Constitution, and that anarchy and agrarianism are "rather to be chosen" than Democracy and patriotism.

But it is contended that we must have protection for revenue; if not for this, for fostering American industries; if not for this, to protect our labor; if not for this, for building up home markets for our farmers; and if not for this, for the unacknowledged purpose of providing an inexhaustible resource from whence to draw campaign funds, and, however insidiously wrong it may appear, the latter is the more sensible purpose, since the others vanish in the sunlight of reason.

Revenue is paid on the imported article and not the domestic. High duties prevent importation and destroy revenue, while low duties encourage importation and increase revenue. In 1904, manufactures of wool imported, with a duty of 92 per cent, paid the Government $16,000,000, while 1896, like imports, with a duty of 47 per cent, paid $23,000,000. Hence, as the tax increases the revenue decreases.

It is the protective and not the revenue schedules of the tariff law against which the country so seriously complains. A revenue tariff is a duty levied for revenue with incidental protection to legitimate American industries, and a protection tariff is a duty levied for the benefit of the trust with incidental emoluments to the Government. In other words, protection gives all or much more to the trusts than to the Government. When the tax is so high as to practically prevent the importation of the article taxed, then the trusts get the loaf and the Government the crumbs. Such are the schedules of the Dingley law, imposing more than a billion dollars annually on our consumers for the trust and manufacturers, while giving the Government less than one-half that amount. Hence it follows that duties levied for revenue only is the only honest system of tariff taxation.

Protection was never intended for more than a temporary aid to our struggling industries by the fathers of the policy. Senator LODGE, in his splendid biography of Alexander Hamilton, who was the founder as well as the ablest exponent of the doctrine, says Hamilton took "substantially the same ground as Mill in his Political Economy that protection for nascent industries in order to remove the obstacles of starting is wise and proper." And Hamilton himself justifies it to abate "the fear of want of success in untried enterprises, the intrinsic difficulties of first essays."

Hamilton, Clay, Webster, and Calhoun, the ablest in the litany of American statesmen, all advocated moderate protection when our infant industries were struggling in the wilds of a new country, and when England, the greatest manufacturing country in the world, with that malice born of unsuccessful war, was trying to destroy them. But what would they now say could they behold the present prostitution of their cherished policy, or what would be their consternation could they behold our "nascent industries" struggling for existence with the Herculean giants of Dingleyism—the trusts?

The doctrine of protecting infant industries from "the obstacles of starting" is as dead as its illustrious founder. As administered by the "latter-day saints" of the creed, it paralyzes legitimate industrial effort by fostered vandalism. It upbuilds irrepressible trusts to crush them. Bankruptcy and ruin is the reward of every business enterprise falling into their clutches. A poor man might as well sink his hard earnings in the "deep blue sea" as to embark in almost any business enterprise. Unless a "captain of finance" he is barred from the "pursuit of happiness" in many legitimate avocations. Consequently our capital is seeking investment abroad. Nearly six millions have gone to Mexico, two millions to Cuba and Canada each, and vast sums to South America and Hawaii—so says a high governmental official. There is being prepared in the Census Department a bulletin showing that the number of industrial enterprises are rapidly decreasing. All minor industries that are not absorbed are being destroyed to make clear the highway of plunder. Sir, the protection given "nascent industries" by the Dingley law is like that given by the hungry lion to the weaker denizens of the forest, or that the ravenous eagle gives the defenseless lamb it swoops down upon and bears away to the mountain crag for a dainty meal. [Applause on the Democratic side.]

That protection helps American labor is likewise untenable. If one-half heard from the other side about the "compensating wage" were true, every industrial artisan could rear his family in affluence rather than in poverty and vice, as is true in many industrial centers. The laborers for nonprotected industries own more homes and are more contented and happy than any other laboring class. If anyone doubts this let him consult the railroads, construction companies, building contractors, and the farm laborers of the South and the West. From the humble negro plowman to the skilled mechanic, their wages have in many sections increased from 50 to 100 per cent since 1900. The average yearly wages of railroad employees throughout the country in 1900 was $595, while the steel industry, protected by millions of tariff "graft," paid only $520, and the manufacturing wool and worsted industries of Massachusetts, which is also protected to the extent of millions of tariff profit, in 1903 only paid from $422 to $490 to laborers. Mr. Havemeyer before the Industrial Commission said the wages paid by the sugar trust was $1.35 to $1.50 per day of from eight to twelve hours, and the employees were required to work in a heat of from 90° to 110°. Deduct from this the daily cost of their food and lodging in a crowded city and how much will their wives and children receive? Poor, deluded creatures. To all such I would say: "Take up thy bed and walk" to the sunny South, where the Lord and justice reign. Remove your children from that dismal tenement of vice and crime to where there is no hunger and where sympathy rides the sunbeam and charity blooms with the wild flower, and where they can grow up to vigorous manhood and virtuous womanhood.

In further refutation of this fallacious contention, permit me to say that the strikes—the torch—the rifle—yea, incipient anarchy, have been quite as available as Dingleyism in raising

wages. The coal miners have inaugurated the most stupendous strike of the age. Why do they strike? Why do they not look to protection for satisfactory wages? It gives the operators a bounty of 60 cents a ton on coal, which, according to good authority, pays quite all the expense of mining. In other words, the Government goes down into the bowels of the earth and brings forth the product practically as a free offering to the operator, and why do they not divide this bounty with the miners and save the bloodshed and misery of a strike?

From a report of the Census Bureau, showing the increase of wages per hour, from 1890 to 1903, we find that wages in four protected industries have increased less than in nonprotected industries.

PROTECTED.

	Per cent.
Boiler makers	0.02
Iron molders	.04
Machinists	.02
Blacksmiths	.02

NONPROTECTED.

Bricklayers	.11
Hod carriers	.06
Painters	.07
Carpenters	.08

There may be some truth in the statement that the wages of industrial laborers have advanced 20 or 25 per cent since the enactment of the Dingley law, but what does this profit the wage-earner, since it costs 40 per cent more to live than in 1897? The average American laborer does not work for stocks, bonds, or gold, but for food and raiment for wife and children. Hence his dollar-a-day wage in 1897 was more than his $1.25 of to-day. Then he purchased beef at 10 cents a pound, now he pays the trusts 18 cents; his shoes at 90 cents, now at $1.35; his worsted suit at $7, now $10; his hat at $1, now $1.35; his sewing machine at $12, now $20; and so on through the schedule of the necessaries. If a laborer spends all of his wages for necessaries, advanced in price 40 per cent, while his earnings have only increased 25 per cent, then according to the rules of common sense he is being surely impoverished. What good doth it do a man to pay him a dollar and the next breath rob him of it?

But there is another fact that belies this pretended panacea for the laborer. The Commissioner of Labor, in his 1903 report, shows that the less number of people owned their homes in the highly protected sections than elsewhere in the Union. Listen to the following, showing the per cent that own homes and the per cent that live in rented homes, to wit:

Section.	Rented homes.	Owned homes.
	Per ct.	*Per ct.*
North Atlantic States	86.66	13.34
South Atlantic States	80.44	19.56
North Central States	72.44	27.56
South Central States	79.20	20.80
Western States	69.03	30.97

These figures tell the story of the laborer's degradation and the fallacy of protection for his benefit with more eloquence than human lips can utter. After the highest system of protection known to the world for forty years, we find more homeless people in the protected North Atlantic States than in the practically nonprotected Southern States; and, too, it must not be overlooked that the civil war left that section almost as bare as Sahara and with millions of pauperized negroes to care for. What has gone with the multiplied millions from protection that like manna from heaven has annually fallen on that section? Why should anyone dare cringe from shivering winds or the pangs of hunger? If you will give the South one-half that bounty, no one will ever again say in all that section that he "hath not where to lay his head." But the per capita of wealth of the Northern States is many times that of the Southern States, and "thereby hangs a tale" that explains it all. If you will put Carnegie and Havemeyer and others on the witness stand and probe them for the truth—ask them who created their wealth; ask them how much of the tariff steal they gave their employees; ask them why they can build mansions on the Scottish lakes while their employees can not provide huts in the mountains of Pennsylvania; ask them why before Dingleyism their laborers received 11 per cent more of the wealth created by their labor than now—ask these questions, and if truthful answers are given the theory that protection is the friend of labor will be forever damned. One must be an imbecile who fails to observe that if protection is intended for the laboring man he has been woefully robbed.

The millions being spent subsidizing libraries and buying passports to heaven are largely the legitimate fruits of the sweat and blood of labor. Now, sir, if your party is indeed and in truth the real friend of labor, why do you not devise some means to prevent this bounty of protection from being stolen by the millionaires while in transit to the laborers? I dare say that if you will give to the half million striking miners even one-half the 60 cents a ton bounty on coal that they will return to work and strike no more.

When England abandoned protection, the wages of her laborers increased 40 per cent in a few years, says John Bright. Another said, "the laboring people of Great Britain are 30 per cent better fed, 40 per cent better clothed, 50 per cent better housed, and 100 per cent better educated than when England had a protective tariff." This is easily explained. When she opened her doors to the world, she at once became the world's greatest seller, and the demand for her products increased far more rapidly than she could supply them. Hence there was a greater demand for labor and higher wages followed. This would inevitably be the result in America were protection abandoned. We have a growing surplus of almost everything, and it must be apparent to everyone that as it increases the demand for and price of labor will decrease. Our congested home market is oversupplied with the fruits of labor. We need a wider market. There are twenty-five persons beyond the sea to consume our products where there is but one at home. Open the barred doors of the world by unlocking our own, and the increasing demand for our products will take care of three laborers while protection half starves one. [Applause.]

Sir, it must be apparent to every observer that trust-breeding protection, instead of building up, is destructive to the home market of the farmer. The trusts not only fix the price of the manufactured article, but of the raw material also. The prices for a year ahead is already fixed on his tobacco, cattle, hogs, sheep, hemp, poultry, hide, and many other products. They fix the prices and the farmer must submit. The great staples—cotton and grain—being dependent on a foreign market for consumption, are beyond the price-fixing power of the trust, and consequently have been higher than for years. Listen to the reading of a few lines from a well-known writer about the character of market protection and the beef trust as given the western farmers:

Being now the only buyer of cattle and the only seller of meat, the trust began a series of thoughtful operations that have reached from every farmer to every dinner table and taken tribute all the way. It put down the average price of medium cattle from $6 a hundredweight in September, 1899, to $4.50 in March, 1904, and in the same period it put up the retail prices of dressed meat about 20 per cent. It raked off profits at every stage of the decline of the price of cattle and at every stage of the ascent of the price of meat. It advanced the prices of its fertilizer and offal products. It reached the producer and it racked the consumer and stood resolutely between them, gathering toll from each. It advanced day by day further into the field of production and day by day laid hold upon new victims. It disclosed gradually a gigantic plan to control the price of every edible thing grown in this country, and to control it for its own dividends.

Let me here read you a table showing the manner in which the trust has advanced the price of meat to the 3,000,000 of people in New York City since 1900:

Article.		October 21, 1900.	April 28, 1905.
Porterhouse steak	per pound	$0.20	$0.28
Sirloin steak	do	.16	.24
Chuck steak	do	.08	.12½
Prime rib roast	do	.18	.24
Veal cutlets	do	.18	.25
Leg of mutton	do	.10	.14
Soup meat	do	.08	.12
Ham, best grade	do	.12	.18
Bacon, canned, rindless	do	.20	.28

Now, on the other hand, let me show you from the following table that the farmers' steers have not increased in price in Chicago since 1899. It is taken from the Weekly Live Stock Report:

Yearly average.	1,350 to 1,500 pounds.	1,200 to 1,350 pounds.	1,050 to 1,200 pounds.
1905	$5.50	$5.05	$4.55
1904	5.45	4.95	4.45
1903	5.05	4.80	4.45
1902	6.80	6.25	5.65
1901	5.65	5.25	4.85
1900	5.40	5.15	4.90
1899	5.55	5.25	4.95

If the home-market theory of protection is true, then we have stopped far short of the good that might be derived by extending this doctrine to the States, and even down to the counties. Why not let each State provide a home market by passing a Dingley law? But what would become of New England if the other States were to enact a Dingley law against her products, or what would Pennsylvania do if they were to invoke the same

protection she demands for her iron and steel? Texas has oil field enough to bring her fabulous riches if permitted to erect a Dingley schedule against the Standard Oil trust. Your party cries out for an open market with all the States, yet denies the same privilege with all the world. If the freedom of commerce between the States is the correct economic policy, then as a logical conclusion it follows that a similar policy with all the consuming nations of the earth is the correct one, and especially is this true since we have much to sell and little to buy.

But, sir, the most fallacious reason yet offered in defense of protection is that it brought the unparalleled prosperity that has swept over many sections of the country for the past five or six years. If this is true, why have the unprotected sections been the more prosperous, and why has this benediction not reached us long ago? Have we not had this policy for forty-five years, and have we not during that time realized the most destructive panics?

We have heard some labored speeches try to assimilate protection and prosperity, but their logic is not above the philosophy of a Mississippi darky, who believes the world is flat and does not extend beyond the limits of his vision. Every intelligent man well knows that existing prosperity is not limited to any section or any country. It is sweeping over the world. No such business activity has hitherto been known in Canada, Mexico, Argentina, Cape Colony, Germany, and many other European countries. Indeed, other countries have in many respects within the last few years been even more prosperous than the United States. Land values in Canada and parts of Mexico have since 1900 doubled in value; and exports, which are always a sure index to a nation's prosperity, have increased far more in many other countries than in the United States. Here is a table from a report of the Commerce and Labor Department, showing the increase of exports by nations since 1896:

	Per cent.
United States	88
Japan	173
Argentina	159
Mexico	122
Bulgaria	116
Cape of Good Hope	89
Norway	87
British India	82
Australia	78
Canada	76
Egypt	74

Now, we know that the defenders of protection have the assumption of an Egyptian god, but I hardly think they will have the temerity to contend that beneficent effects of Dingleyism has showered wealth on far-away Argentina, in the Cape of Good Hope, or in the far-away Australia. I know the Republican party can murder heathens by the "six hundred," or almost repeal the Lord's Prayer, under the iron-clad rules of this House, but I do not think they can compass the world's prosperity with their policy. Nor do I think they can expand its virtues so as to make it the cause of England, Japan, and Russia buying war supplies from the granaries of the West, or to make it the reason for the price of cotton advancing in Liverpool, wheat in London, and meat at Hamburg. No, Mr. Chairman, the present wave of prosperity is but the same as that which has swept over the greater part of the world during the past few years. Other countries, being prosperous, have consumed millions of dollars more of our products in the last few years than ever before, and we have prospered. The $800,000,000 of cotton and food products we are annually sending the prosperous world, and not Dingleyism, is booming this country. "All the gold mineral in the world in the last four hundred years could not purchase the farm crops of the last two years," recently wrote a great man, and if all obstructions are removed from our foreign markets the farm will continue to take care of our national wealth. The real cause of this world-wide prosperity is difficult to explain, unless it be attributed to the unprecedented increase in gold production and to the immense amount expended by England, Japan, and Russia in recent wars.

Every dollar that is dug out of the earth not only intensifies business, but adds that much additional wealth to the world, and every dollar spent in war naturally drifts to those countries having the sinews of war. England in the Boer war expended about $775,000,000, and Japan and Russia each far more than this amount, which largely drifted to the producing nations, and, too, there has been an unprecedented acceleration in the production of gold in the last decade. Since 1850 the world's annual production of this metal has increased from $16,000,000 to $375,000,000. Since 1897 the amount has increased from $128,000,000, as is shown by the following table from the New York Herald:

1897	$237,504,800
1898	286,879,700
1899	306,724,100
1900	254,576,300
1901	260,992,900
1902	296,048,800
1903	325,527,200
1904	347,150,700
1905 (estimated)	375,000,000

Mr. Chairman, it must be the irresistible judgment of every impartial observer that the existing policy of protection is not only without a virtue, but is a menace to that justice and equality involved in the spirit of the Constitution, and is rapidly breeding the leprosy of national deterioration. It is the verdict of universal history that wealth gives strength to a nation only when distributed with approximate equality among its subjects. Extreme poverty and massive riches alike breed the germs of national disease. Paupers and millionaires do not affiliate. One gravitates to the hovels of ignorance and anarchy and the other to the palaces of debauchery and moral death. One wields the sword of death-dealing vengeance, the other plunders with insatiable rapacity, and alike they murder patriotism. If seductive gold could have stayed the arrows of national decay, the story of liberty's tragic death would not have been embalmed in the ruins of Athens and Greece. In the golden age of Pericles, Athens has been described as being a statue with a "head of gold and feet of clay"—typical of the fact that her segregated aristocracy owned the realm with all of its villas and broad acres, while the common citizens were left to compete with slaves for bread. One surrendered the fruits of toil to physical masters and the other to industrial lords. Aristotle said that "Greek slaves were living machines which a man possesses," and some modern writer has defined an industrial slave as being "one the fruits of whose labor belongs to another." They are the successive footprints on the sands of social dissolution, and brought destruction to Greece in spite of her gold or her brilliant philosophy.

It has been said that the "rise of the Cæsars was the fall of Rome," but it should be remembered that when the patriot Brutus was staining his soul with the blood of the tyrant, three-fourths of the people were being fed from the public granaries and the remainder were debauching in fabulous wealth. According to the record left by the tribune Philipus, only 2,000 men in Rome owned anything. One of these boasted that he had more money than three kings. Another paid $18,000,000 to the Pretorian Guard to wear the Imperial Purple, and seven others purchased the entire Province of Africa. Under this mingled avalanche of pauperism and greed the world's most splendid civilization perished forever.

Mr. HILL of Connecticut. Does the gentleman think the tariff had anything to do with it?

Mr. BYRD. Not a thing. The price of cotton is one thing that the tariff does not affect, except to contract its market.

How ominously suggestive is the tragedy of this dead nation when viewed in the light of our industrial conditions. Less than a score of men own or control all the railroads and coal fields of half the nation. In 1900 our total wealth was estimated at $90,000,000,000, and Doctor Spahr, in a creditable work on the subject, says that "1 per cent of the families own more of this vast amount than the other 99 per cent, and that one-eighth of the families own seven-eighths of the total amount." Rockefeller, Morgan, and many others could each buy one or more States of the Union, and I dare say would, if offered for sale. But in the shadow of this regal splendor we find lurking the most galling poverty. Many of our crowded industrial centers are the hotbeds of pauperism, vice, and socialism. "In a judicial district in this city there have been more evictions within the last three months than have occurred in the whole of Ireland during the same period," said a New York paper recently. "Hard by the palaces of the nabobs, women and children are being driven to suicide by poverty," says a late writer. Listen to the reading of this about the condition of the poor in New York:

> Inspector H. M. Lechstrecker, of the State board of charities, on investigating, reported that out of 10,707 school children only 1,853 or less than one-fifth, began the day's work with adequate breakfast. Over 1,000 children never had for their morning meal more than bread only or coffee only, and nearly 500 came without any breakfast at all. The Salvation Army at once opened food stations for school children, and actually has close to a thousand every morning in attendance.

How does this horrible disclosure impress the minds of the defenders of the beef trust? Let others think as they may, but I had rather die a pauper and slumber in potter's field than to be the prince of a trust withholding food from the starving children of the land. [Applause.]

But one other thought in this connection. The returns of the

last election show that socialism is increasing in the United States with alarming rapidity, more so than in any other country. It recently invaded the sacred precincts of a western court and, putting law and justice to flight, acquitted one of the blackest self-confessed criminals of the age. The castles of the millionaires are being guarded by walking battalions, and even the tombs of the dead nabobs are watched by armed sentinels to drive away the socialistic ghouls who seek their dead bodies for ransom.

Mr. Chairman, we can not refrain from pronouncing this system of taxation for private greed as the most stupendous instrument of corruption ever tolerated by any government. Nor was there ever known a more insidious "disguise of disinterested patriotism" than that inspiring the conduct of those who now seek its perpetuation. In unmitigated viciousness it stands without a precedent, without a parallel, and without approval, either by the laws of God or humanity. In my humble judgment protected trusts, in iniquitous comparison with other evils that infest nations, rise like the rugged clifts of a mountain above the surrounding hillocks. Not only do they beget poverty with its attendant vices and crimes, but they paralyze national effort and supplant patriotism by that cringing cowardice common to all people after long submission to public wrong. Foreign invasion, treason, or rebellion are to be preferred. They sweep like "visions of sorrow" across the national horizon, but when their transient race is run, renewed hope and invigorated patriotism urge the people to more exalted triumphs. They may leave in their wake death and hideous ruin, but they do not "killeth the soul" of a nation like these monsters of avaricious greed.

Ill fares the land to hastening ills a prey,
Where wealth accumulates and men decay;
Princes and lords may flourish or may fade;
A breath can make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed can never be supplied.

[Applause.]

Sir, the history of your party is an unending repetition of political crimes. It impoverished a great section by the tyranny of reconstruction; it exploited the Credit Mobilier and star-route frauds; it gave to railroad corporations enough of the public domain to make a State as large as Mississippi; it stole the Chief Magistry of the nation once and has purchased it many times since; but of all its iniquities the blackest and most wicked is the holding up of our 80,000,000 people for the trusts to "rifle" their pockets. Such an act is as cruel and wicked as the tyranny of that ancient despot who rejoiced while burning the homes of his defenseless subjects.

Why longer continue such a policy? The hour for its destruction is at hand. It serves no purpose but usurpation and blesses none but the blessed; the poor it robs of food and the more fortunate of their bounty; it means death to legitimate industry and pauperism to labor; it bars our markets and rots the wealth of the farm. Its scanty virtues have been lost in its prostitution and its vices are supreme on the throne of avarice.

It sits as the arbiter of dishonesty, dividing the earnings of millions with the ghouls of greed. It awards them one-third of the salary of every servant of the Government, from the commanding general in the field to the janitor of this House; it gives the beef trust a full share of the pennies spent by the widow for a soup bone for her starving children; for the trusts it coins into sheckles of gold the sweat and brawn of the toiling farmer, and drives his promising boy from the schoolroom to the plowshare. All classes—the weak, the strong, the Indian, the son of Ham, the Caucasian—are embraced within its insidious folds.

If this policy is to continue, we should erect a monument to departed justice and forever commit to the flames that sacred parchment bearing the insignia of equality of right among men; and we should further publish to the world that this nation is rapidly drifting to the goal of all former republics, and that the last and greatest example of self-government will soon perish—the victim of avarice.

Though why should we despair? Rather should we not rejoice to know that this wrong has reached the climax of its infamy, while the people are yet strong in patriotic virtue. There is a deep, resistless wave of political resentment rolling across the continent, that will not break until enthroned greed is swept from its anchorage into oblivion. The shepherds of the people are patiently keeping the night watch for the star that will guide them to the Bethlehem of a true leader, under whose banner they can march to victory and to liberty. May every Pharisee of greed soon cry out:

The thorns which I have reap'd are of the tree
I planted; they have torn me, and I bleed.
I should have known what fruit would spring from such a seed.

[Loud applause.]

Mr. OVERSTREET. Does not the gentleman from Tennessee [Mr. MOON] think that we had better rise at this time?

Mr. MOON of Tennessee. I wish the gentleman from Indiana would let us put in another speaker for about ten minutes and then rise.

Mr. OVERSTREET. Well, I thought, in view of the insistence of the other side last night to rise at 5 o'clock, that it would be well to do so now.

Mr. MOON of Tennessee. The gentleman from Arkansas desires the floor for an hour.

Mr. MACON. I desire to state to the gentleman from Indiana that the gentleman from Tennessee has agreed to recognize me at this time for one hour, and if the gentleman will allow me to take the floor at this time that I may be recognized to proceed in the morning, I will then yield in order that the committee may now rise.

Mr. OVERSTREET. Well, I feel that inasmuch as the gentleman from Tennessee [Mr. MOON] began the debate to-day immediately after the reading of the Journal, it would be only fair for this side to have control of that hour to-morrow.

Mr. MOON of Tennessee. My intention was to give the gentleman from Arkansas [Mr. MACON] one hour, let him proceed for a minute or so and then let the committee rise, and have him continue to-morrow morning. I know we are ahead of the gentleman on this side in point of time. If the gentleman desires to use an hour of his time now, I shall not yield to the gentleman from Arkansas until after that hour has been consumed to-morrow.

Mr. OVERSTREET. I suggest that it would be better practice if this side of the Chamber might consume the first hour upon meeting to-morrow.

Mr. MOON of Tennessee. Very well. Then I shall, with that understanding, yield to the gentleman from Arkansas after that hour has been consumed by the gentleman's side to-morrow.

Mr. OVERSTREET. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERMAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the post-office appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 12286. An act granting relief to the estate of James Staley, deceased.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5215. An act to fix the regular terms of the circuit and district courts of the United States for the southern division of the northern district of Alabama, and for other purposes; and

S. 87. An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 7144. An act for the relief of Aaron Everly;

H. R. 2202. An act granting a pension to Ellen Harriman;

H. R. 3541. An act granting a pension to Dora A. Weathersby;

H. R. 3806. An act granting a pension to Eva L. Martin;

H. R. 4261. An act granting a pension to A. Louisa S. McWhinnie;

H. R. 4593. An act granting a pension to William C. Short;

H. R. 5485. An act granting a pension to Horace D. Mann;

H. R. 5486. An act granting a pension to Margarett Carroll;

H. R. 6147. An act granting a pension to Maud O. Worth;

H. R. 7839. An act granting a pension to Ray E. Kline;

H. R. 8339. An act granting a pension to Vienna Ward;

H. R. 9705. An act granting a pension to George W. Robinson;

H. R. 10785. An act granting a pension to Thomas J. Chambers;

H. R. 11214. An act granting a pension to Isaac Baker;

H. R. 11873. An act granting a pension to Joseph B. Fonner, alias John Havens;

H. R. 12403. An act granting a pension to Lydia A. Fiedler;

H. R. 12656. An act granting a pension to Louise Ackley;

H. R. 13527. An act granting a pension to Willard V. Shepherd;
H. R. 14092. An act granting a pension to Frances Coyner;
H. R. 14098. An act granting a pension to Mary Winfrey;
H. R. 14642. An act granting a pension to James P. Himes;
H. R. 14768. An act granting a pension to Orlando W. Frazier;
H. R. 15449. An act granting a pension to Rhoda Kennedy;
H. R. 15870. An act granting a pension to Mary Palmer;
H. R. 15941. An act granting a pension to Lydia A. Keller;
H. R. 533. An act granting an increase of pension to Sumner F. Hunnewell;
H. R. 552. An act granting an increase of pension to William H. Nortrip;
H. R. 1027. An act granting an increase of pension to Charles H. Friend;
H. R. 1241. An act granting an increase of pension to John G. Wallace;
H. R. 1322. An act granting an increase of pension to Katherine F. Wainwright;
H. R. 1468. An act granting an increase of pension to Morris B. Drake;
H. R. 1655. An act granting an increase of pension to Henry A. Wheeler;
H. R. 1897. An act granting an increase of pension to William R. Duncan;
H. R. 1913. An act granting an increase of pension to Charles H. Conley;
H. R. 2082. An act granting an increase of pension to Siotha Bennett;
H. R. 2090. An act granting an increase of pension to Ellen M. Brant;
H. R. 2195. An act granting an increase of pension to Hannah A. Sawyer;
H. R. 2267. An act granting an increase of pension to Joseph Rupert;
H. R. 2341. An act granting an increase of pension to Helen H. Hulbert;
H. R. 2396. An act granting an increase of pension to Charles Hull;
H. R. 2640. An act granting an increase of pension to Decatur Harmon;
H. R. 2697. An act granting an increase of pension to Rufus G. Childress;
H. R. 2765. An act granting an increase of pension to Andrew J. Benson;
H. R. 2780. An act granting an increase of pension to Mary E. Fifield;
H. R. 2984. An act granting an increase of pension to William H. Gildersleeve;
H. R. 3007. An act granting an increase of pension to Thomas Carder;
H. R. 3197. An act granting an increase of pension to Milo G. Gibson;
H. R. 3233. An act granting an increase of pension to Lucius R. Simons;
H. R. 3281. An act granting an increase of pension to Thomas F. Underwood;
H. R. 3344. An act granting an increase of pension to Henry Sanborn;
H. R. 3484. An act granting an increase of pension to Edson J. Harrison;
H. R. 3660. An act granting an increase of pension to James H. Hill;
H. R. 3978. An act granting an increase of pension to Samuel Greenlee;
H. R. 4209. An act granting an increase of pension to Martin Callahan;
H. R. 4352. An act granting an increase of pension to Thomas Wolcott;
H. R. 4598. An act granting an increase of pension to James B. Barry;
H. R. 4691. An act granting an increase of pension to George L. Janney;
H. R. 4717. An act granting an increase of pension to Marshall U. Gage;
H. R. 4766. An act granting an increase of pension to John Deardourff;
H. R. 4809. An act granting an increase of pension to John W. Hatfield;
H. R. 4888. An act granting an increase of pension to William Moore;
H. R. 4946. An act granting an increase of pension to William H. Lewis;
H. R. 5252. An act granting an increase of pension to Thomas Howard;
H. R. 5434. An act granting an increase of pension to Hugh Green;
H. R. 5725. An act granting an increase of pension to John G. Davis;
H. R. 5726. An act granting an increase of pension to Cate E. Cobb;
H. R. 5933. An act granting an increase of pension to Winnie C. Pittenger;
H. R. 6058. An act granting an increase of pension to Emilie Scheldt;
H. R. 6110. An act granting an increase of pension to Abram W. Davenport;
H. R. 6128. An act granting an increase of pension to Thomas Patterson;
H. R. 6142. An act granting an increase of pension to David Davis;
H. R. 6407. An act granting an increase of pension to William Blair;
H. R. 6465. An act granting an increase of pension to Augustus Joy;
H. R. 6557. An act granting an increase of pension to Charles H. Jasper;
H. R. 6775. An act granting an increase of pension to William A. Lincoln;
H. R. 6888. An act granting an increase of pension to John W. Hannah;
H. R. 6946. An act granting an increase of pension to Elias Claunch;
H. R. 7225. An act granting an increase of pension to Mary O. Arnold;
H. R. 7331. An act granting an increase of pension to Henry Porter;
H. R. 7515. An act granting an increase of pension to Firman F. Kirk;
H. R. 7585. An act granting an increase of pension to Joseph Girdler;
H. R. 7609. An act granting an increase of pension to Charles W. Henderson;
H. R. 7681. An act granting an increase of pension to James M. Miller;
H. R. 7738. An act granting an increase of pension to Franklin J. Keck;
H. R. 7806. An act granting an increase of pension to Johanna Walgwist;
H. R. 7823. An act granting an increase of pension to Annie E. Peters;
H. R. 7856. An act granting an increase of pension to Norman C. Potter;
H. R. 7951. An act granting an increase of pension to William H. Pitchford;
H. R. 8042. An act granting an increase of pension to Bottol Larsen;
H. R. 8062. An act granting an increase of pension to John K. Miller;
H. R. 8206. An act granting an increase of pension to Carner C. Welch;
H. R. 8315. An act granting an increase of pension to Martin V. Cannedy;
H. R. 8316. An act granting an increase of pension to William Smith;
H. R. 8328. An act granting an increase of pension to Ira Grabill;
H. R. 8333. An act granting an increase of pension to John G. Honeywell;
H. R. 8530. An act granting an increase of pension to Benjamin Q. Ward;
H. R. 8565. An act granting an increase of pension to Andrew La Forge;
H. R. 8578. An act granting an increase of pension to Franklin G. Mattern;
H. R. 8665. An act granting an increase of pension to Hiram Long;
H. R. 8725. An act granting an increase of pension to Moses B. Davis;
H. R. 8823. An act granting an increase of pension to Charles C. Briant;
H. R. 8930. An act granting an increase of pension to Margaret Becker;
H. R. 8942. An act granting an increase of pension to Marquis L. Johnson;
H. R. 9053. An act granting an increase of pension to John M. Jones;
H. R. 9087. An act granting an increase of pension to William Winn;

H. R. 9093. An act granting an increase of pension to Farrie M. Allis;
H. R. 9126. An act granting an increase of pension to Nathan Parish;
H. R. 9296. An act granting an increase of pension to Elizabeth D. Hoppin;
H. R. 9406. An act granting an increase of pension to Francis W. Preston;
H. R. 9617. An act granting an increase of pension to David A. Kirk;
H. R. 9839. An act granting an increase of pension to Jesse Siler;
H. R. 9896. An act granting an increase of pension to William McKenzie;
H. R. 9898. An act granting an increase of pension to Abraham H. Miller;
H. R. 9904. An act granting an increase of pension to Neeta H. Marquis;
H. R. 9995. An act granting an increase of pension to Elias Johnson;
H. R. 10019. An act granting an increase of pension to Jonathan Shook;
H. R. 10230. An act granting an increase of pension to Clark A. Winans;
H. R. 10252. An act granting an increase of pension to Joseph J. Vincent;
H. R. 10293. An act granting an increase of pension to Sarah F. Galbraith;
H. R. 10300. An act granting an increase of pension to George C. Sackett;
H. R. 10326. An act granting an increase of pension to Edmund Chapman;
H. R. 10396. An act granting an increase of pension to John A. Malone;
H. R. 10404. An act granting an increase of pension to John Moules;
H. R. 10448. An act granting an increase of pension to George M. Frazer;
H. R. 10450. An act granting an increase of pension to Silas H. Ballard;
H. R. 10490. An act granting an increase of pension to Lucius A. West;
H. R. 10562. An act granting an increase of pension to Alphenis M. Beall;
H. R. 10594. An act granting an increase of pension to James Martin;
H. R. 10622. An act granting an increase of pension to James H. Ward;
H. R. 10753. An act granting an increase of pension to Jacob Keller;
H. R. 10816. An act granting an increase of pension to August Bauer;
H. R. 10879. An act granting an increase of pension to Thomas E. Myers;
H. R. 10900. An act granting an increase of pension to Arthur R. Dreppard;
H. R. 10907. An act granting an increase of pension to John N. Boyd;
H. R. 10923. An act granting an increase of pension to Matilda Rockwell;
H. R. 11209. An act granting an increase of pension to Thomas Griffith;
H. R. 11509. An act granting an increase of pension to Josephine Hoornbeck;
H. R. 11638. An act granting an increase of pension to John N. Vivian;
H. R. 11690. An act granting an increase of pension to Lewis Lowry;
H. R. 11691. An act granting an increase of pension to John Clark;
H. R. 11905. An act granting an increase of pension to Elizabeth E. Atkinson;
H. R. 11990. An act granting an increase of pension to Daniel M. Coffman;
H. R. 12014. An act granting an increase of pension to Francis H. Frasier;
H. R. 12393. An act granting an increase of pension to William Hardy;
H. R. 12417. An act granting an increase of pension to Samuel G. Raymond;
H. R. 12443. An act granting an increase of pension to Nathaniel Southard;
H. R. 12455. An act granting an increase of pension to John Jacoby;
H. R. 12540. An act granting an increase of pension to Morris J. James;
H. R. 12541. An act granting an increase of pension to Edward V. Miles;
H. R. 12578. An act granting an increase of pension to John B. Craig;
H. R. 12584. An act granting an increase of pension to William R. Guion;
H. R. 12643. An act granting an increase of pension to William H. Franklin;
H. R. 12760. An act granting an increase of pension to William Ralston;
H. R. 12795. An act granting an increase of pension to Henry Stimon;
H. R. 12825. An act granting an increase of pension to Daniel Bloomer;
H. R. 12834. An act granting an increase of pension to Theodor Schramm;
H. R. 12880. An act granting an increase of pension to Lorenzo D. Mason;
H. R. 12897. An act granting an increase of pension to Robert B. Malone;
H. R. 12900. An act granting an increase of pension to James D. Havens;
H. R. 13005. An act granting an increase of pension to Robert R. Wilson;
H. R. 13028. An act granting an increase of pension to Mary E. Bennett;
H. R. 13034. An act granting an increase of pension to Frederick Hildenbrand;
H. R. 13038. An act granting an increase of pension to Rebecca Ramsey;
H. R. 13081. An act granting an increase of pension to Orren R. Smith;
H. R. 13082. An act granting an increase of pension to Herbert Williams;
H. R. 13083. An act granting an increase of pension to Mordicai B. Barbee;
H. R. 13136. An act granting an increase of pension to William Gaynor;
H. R. 13138. An act granting an increase of pension to Eada Lowry;
H. R. 13148. An act granting an increase of pension to William Davis;
H. R. 13150. An act granting an increase of pension to Cate F. Galbraith;
H. R. 13198. An act granting an increase of pension to Josiah F. Allen;
H. R. 13230. An act granting an increase of pension to Elizabeth Webb;
H. R. 13231. An act granting an increase of pension to Gatsey Mattucks;
H. R. 13238. An act granting an increase of pension to William Strasburg;
H. R. 13310. An act granting an increase of pension to James McKee;
H. R. 13311. An act granting an increase of pension to John Wilkinson;
H. R. 13341. An act granting an increase of pension to Robert C. Pate;
H. R. 13417. An act granting an increase of pension to John W. Bookman;
H. R. 13502. An act granting an increase of pension to John N. Buchanan;
H. R. 13505. An act granting an increase of pension to Martha E. Chambers;
H. R. 13525. An act granting an increase of pension to Martha J. Hensley;
H. R. 13584. An act granting an increase of pension to Anna M. Jefferis;
H. R. 13587. An act granting an increase of pension to August Frahm;
H. R. 13597. An act granting an increase of pension to Abram J. Bozarth;
H. R. 13610. An act granting an increase of pension to James Hann;
H. R. 13627. An act granting an increase of pension to Homer F. Herriman, alias George F. Wilson;
H. R. 13697. An act granting an increase of pension to William Shoemaker;
H. R. 13710. An act granting an increase of pension to Anna M. Wilson;
H. R. 13712. An act granting an increase of pension to Caroline D. Scudder;

H. R. 13761. An act granting an increase of pension to John Cook;
H. R. 13798. An act granting an increase of pension to Alida King;
H. R. 13826. An act granting an increase of pension to Frank S. Pettingill;
H. R. 13872. An act granting an increase of pension to Alvin D. Hopper;
H. R. 13891. An act granting an increase of pension to Hugh G. Wilson;
H. R. 13959. An act granting an increase of pension to Thomas B. Mouser;
H. R. 13988. An act granting an increase of pension to Mary McMahon;
H. R. 13994. An act granting an increase of pension to Francis A. Barkis;
H. R. 14076. An act granting an increase of pension to William Sanders;
H. R. 14077. An act granting an increase of pension to George W. Chesebro;
H. R. 14078. An act granting an increase of pension to Catherine Summers;
H. R. 14086. An act granting an increase of pension to Daniel Pence;
H. R. 14089. An act granting an increase of pension to Martin Harter;
H. R. 14112. An act granting an increase of pension to Andrew J. Baker;
H. R. 14113. An act granting an increase of pension to Isaac N. Perry;
H. R. 14140. An act granting an increase of pension to Josephine M. Cage;
H. R. 14258. An act granting an increase of pension to John S. Miles;
H. R. 14277. An act granting an increase of pension to George S. Scott;
H. R. 14287. An act granting an increase of pension to Martha Brooks;
H. R. 14327. An act granting an increase of pension to Amelia Nichols;
H. R. 14367. An act granting an increase of pension to Lemuel O. Gilman;
H. R. 14369. An act granting an increase of pension to Sumner P. Wyman;
H. R. 14380. An act granting an increase of pension to Amos Hart;
H. R. 14425. An act granting an increase of pension to Robert Henderson Griffin;
H. R. 14426. An act granting an increase of pension to Thomas S. Menefee;
H. R. 14538. An act granting an increase of pension to Eliza L. Norwood;
H. R. 14563. An act granting an increase of pension to Edwin L. Higgins;
H. R. 14639. An act granting an increase of pension to Sarah J. Merrill;
H. R. 14646. An act granting an increase of pension to Ambrose R. Fisher;
H. R. 14653. An act granting an increase of pension to Sophronia Lofton;
H. R. 14655. An act granting an increase of pension to Henry Gilham;
H. R. 14669. An act granting an increase of pension to Anna H. Wagner;
H. R. 14694. An act granting an increase of pension to Samuel R. Dummer;
H. R. 14748. An act granting an increase of pension to William F. Burks;
H. R. 14761. An act granting an increase of pension to John L. Decker;
H. R. 14793. An act granting an increase of pension to William W. Howell;
H. R. 14834. An act granting an increase of pension to Ruth J. McCann;
H. R. 14840. An act granting an increase of pension to Nathaniel H. Rone;
H. R. 14848. An act granting an increase of pension to Samantha E. Herald;
H. R. 14878. An act granting an increase of pension to Charles Rattray;
H. R. 14888. An act granting an increase of pension to Eliza A. Bunker;
H. R. 14890. An act granting an increase of pension to James H. Posey;
H. R. 14925. An act granting an increase of pension to James Grizzle;
H. R. 14937. An act granting an increase of pension to William S. Nagle;
H. R. 14988. An act granting an increase of pension to James B. Cox;
H. R. 15062. An act granting an increase of pension to Thomas Sparrow;
H. R. 15199. An act granting an increase of pension to John T. Cook;
H. R. 15249. An act granting an increase of pension to Isaac N. Seal; and
H. R. 15276. An act granting an increase of pension to Wesley Smith.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5438. An act to establish a light and fog signal in New York Bay at the entrance to the dredged channel at Greenville, N. J.—to the Committee on Interstate and Foreign Commerce.
S. 1165. An act granting an increase of pension to James Moss—to the Committee on Pensions.
S. 2115. An act granting a pension to Carrie E. Costinett—to the Committee on Pensions.
S. 1308. An act granting an increase of pension to Emilie Grace Reich—to the Committee on Pensions.
S. 4834. An act granting an increase of pension to Octave Counter—to the Committee on Invalid Pensions.
S. 1376. An act granting a pension to Adam Werner—to the Committee on Invalid Pensions.
S. 2378. An act granting an increase of pension to Maria Leuckart—to the Committee on Pensions.
S. 1398. An act granting an increase of pension to Edmund Morgan—to the Committee on Invalid Pensions.
S. 4826. An act granting a pension to Sarah Agnes Earl—to the Committee on Invalid Pensions.
S. 4675. An act granting an increase of pension to Fannie P. Norton—to the Committee on Invalid Pensions.
S. 4650. An act granting an increase of pension to Thomas McDonald—to the Committee on Invalid Pensions.
S. 4309. An act granting an increase of pension to Adele Jeanette Hughes—to the Committee on Invalid Pensions.
S. 4972. An act granting an increase of pension to Sarah E. Hull—to the Committee on Invalid Pensions.
S. 2733. An act granting an increase of pension to Charles Crismon—to the Committee on Invalid Pensions.
S. 1975. An act granting an increase of pension to Mary E. Dugger—to the Committee on Invalid Pensions.
S. 4360. An act granting an increase of pension to John P. Dunn—to the Committee on Invalid Pensions.
S. 4467. An act removing the charge of desertion from the military record of James B. Boyd—to the Committee on Military Affairs.

ADJOURNMENT.

Then, on motion of Mr. OVERSTREET (at 5 o'clock and 14 minutes p. m.), the House adjourned until to-morrow, at 12 o'clock m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17662) to authorize the Tyronza Central Railroad Company to construct a bridge across Little River, in the State of Arkansas, reported the same without amendment, accompanied by a report (No. 2942); which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4170) to amend an act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," reported the same without amendment, accompanied by a report (No. 2944); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Connecticut, from the Committee on Ways and Means, to which was referred the bill of the House (H. R.

15071) to provide means for the sale of internal-revenue stamps in the island of Porto Rico, reported the same with amendment, accompanied by a report (No. 2945); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17217) to amend an act entitled "An act to establish a code of law for the District of Columbia," regulating proceedings for condemnation of land for streets, reported the same with amendment, accompanied by a report (No. 2946); which said bill and report were referred to the House Calendar.

Mr. MORRELL, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 1243) providing for compulsory education in the District of Columbia, reported the same with amendment, accompanied by a report (No. 2947); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 4302) to amend the provision in an act approved March 3, 1899, imposing a charge for tuition on nonresident pupils in the public schools of the District of Columbia, reported the same without amendment, accompanied by a report (No. 2948); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred bills of the House H. R. 375, 4462, and 5974, reported in lieu thereof a bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia; accompanied by a report (No. 2949); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, reported the same with amendment, accompanied by a report (No. 2950); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17756) to provide for the entry of agricultural lands within the Black Hills Forest Reserve, reported the same without amendment, accompanied by a report (No. 2951); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6864) granting an increase of pension to Henry Good, reported the same with amendment, accompanied by a report (No. 2908); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 7737) granting a pension to William H. Winters, reported the same with amendment, accompanied by a report (No. 2909); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8226) granting a pension to Laura B. Ihrie, reported the same with amendment, accompanied by a report (No. 2910); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9491) granting an increase of pension to R. L. Davis, reported the same with amendment, accompanied by a report (No. 2911); which said bill and report were referred to the Senate Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12561) granting a pension to Francis M. McClendon, reported the same with amendment, accompanied by a report (No. 2912); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13421) granting a pension to John W. Wabrass, reported the same with amendment, accompanied by a report (No. 2913); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 13575) granting a pension to Frances Bell, reported the same with amendment, accompanied by a report (No. 2914); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14745) granting an increase of pension to Frederick B. Walton, reported the same with amendment, accompanied by a report (No. 2915); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14955) granting a pension to Eliza Moore, reported the same with amendment, accompanied by a report (No. 2916); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15366) granting a pension to Elvia Lane, reported the same with amendment, accompanied by a report (No. 2917); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15855) granting a pension to Will E. Kayser, reported the same without amendment, accompanied by a report (No. 2918); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16224) granting an increase of pension to Francis M. Crawford, reported the same with amendment, accompanied by a report (No. 2919); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16466) granting an increase of pension to Asenith Woodall, reported the same with amendment, accompanied by a report (No. 2920); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16527) granting an increase of pension to William Martin, reported the same with amendment, accompanied by a report (No. 2921); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16529) granting an increase of pension to James M. Sykes, reported the same with amendment, accompanied by a report (No. 2922); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16576) granting an increase of pension to Silas P. Conway, reported the same with amendment, accompanied by a report (No. 2923); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16577) granting an increase of pension to Joseph M. Pound, reported the same with amendment, accompanied by a report (No. 2924); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16681) granting a pension to Gustave Bergen, reported the same with amendment, accompanied by a report (No. 2925); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16902) granting an increase of pension to Dennis Winn, reported the same with amendment, accompanied by a report (No. 2926); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16931) granting a pension to Cornelia Mitchell, reported the same with amendment, accompanied by a report (No. 2927); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17036) granting an increase of pension to Josephine L. Jordan, reported the same with amendment, accompanied by a report (No. 2928); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17067) granting an increase of pension to Simeon Pierce, reported the same with amendment, accompanied by a report (No. 2929); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17151) granting a pension to William T. Morgan, reported the same with amendment, accompanied by a report (No. 2930); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was

referred the bill of the House (H. R. 17194) granting an increase of pension to Jennie White, reported the same without amendment, accompanied by a report (No. 2931); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17278) granting an increase of pension to Mary E. Patterson, reported the same with amendment, accompanied by a report (No. 2932); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17310) granting an increase of pension to Francis A. Hite, reported the same without amendment, accompanied by a report (No. 2933); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17342) granting an increase of pension to Wesley G. Cox, reported the same without amendment, accompanied by a report (No. 2934); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17372) granting an increase of pension to Arethusa M. Pettit, reported the same with amendment, accompanied by a report (No. 2935); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17402) granting an increase of pension to Isaiah H. Hazlitt, reported the same with amendment, accompanied by a report (No. 2936); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17591) granting an increase of pension to William Hall, reported the same with amendment, accompanied by a report (No. 2937); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17613) granting an increase of pension to Susan E. Nash, reported the same without amendment, accompanied by a report (No. 2938); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17619) granting an increase of pension to Davia D. Spain, reported the same with amendment, accompanied by a report (No. 2939); which said bill and report were referred to the Private Calendar.

Mr. TYNDALL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs, reported the same with amendment, accompanied by a report (No. 2940); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Montana, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10292) granting to the town of Mancos, Colo., the right to enter certain lands, reported the same without amendment, accompanied by a report (No. 2941); which said bill and report were referred to the Private Calendar.

Mr. KLINE, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4376) to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased, reported the same with amendment, accompanied by a report (No. 2943); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COOPER of Pennsylvania: A bill (H. R. 17833) providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the reclamation act—to the Committee on Irrigation of Arid Lands.

By Mr. LITTLEFIELD: A bill (H. R. 17834) to amend section 764 of the Revised Statutes of the United States, relating to appeals in petitions for habeas corpus—to the Committee on the Judiciary.

By Mr. DE ARMOND: A bill (H. R. 17835) concerning jurisdiction in judicial proceedings—to the Committee on the Judiciary.

Also, a bill (H. R. 17836) to regulate practice as to instructing juries—to the Committee on the Judiciary.

Also, a bill (H. R. 17837) providing for the assessment by jury of the punishment to be imposed upon conviction of crime—to the Committee on the Judiciary.

By Mr. MORRELL, from the Committee on the District of Columbia: A bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia—to the House Calendar.

By Mr. GARDNER of New Jersey: A bill (H. R. 17839) providing for the appointment of a chaplain in the Life-Saving Service of the United States in the district including the coast of New Jersey—to the Committee on Interstate and Foreign Commerce.

Also (by request), a bill (H. R. 17840) regulating wages in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOUSER: A bill (H. R. 17878) to incorporate the Rock River Navigation and Improvement Company, and to authorize the construction and maintenance of one or more dams across Rock River for the purpose of the improvement of the navigation thereof and to utilize the water power thereby created incidental to such construction—to the Committee on Rivers and Harbors.

By Mr. GOULDEN: A bill (H. R. 17879) to amend section 4472 of the Revised Statutes, relating to the carrying of dangerous articles on passenger steamers—to the Committee on the Merchant Marine and Fisheries.

By Mr. STEPHENS of Texas: A resolution (H. Res. 392) asking the Secretary of the Interior for certain information concerning the Shawnee Training School, in Oklahoma—to the Committee on Indian Affairs.

By Mr. WILLIAMS: A resolution (H. Res. 393) asking certain information of the Secretary of the Treasury concerning the accounts of the United States postal agent at Shanghai and the United States consul at Tientsin—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDRUS: A bill (H. R. 17841) granting an increase of pension to Cornelius Springsteel—to the Committee on Invalid Pensions.

By Mr. BARTLETT: A bill (H. R. 17842) granting a pension to Josephine Virginia Sparks—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 17843) granting an increase of pension to Samuel Watkins—to the Committee on Pensions.

Also, a bill (H. R. 17844) granting an increase of pension to Gordon McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17845) granting an increase of pension to John H. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17846) granting an increase of pension to B. C. Crosthwait—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 17847) granting an increase of pension to William H. Young—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: A bill (H. R. 17848) for the relief of Jesse W. Coleman—to the Committee on War Claims.

By Mr. BURLEIGH: A bill (H. R. 17849) granting an increase of pension to Henry A. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17850) granting an increase of pension to Josephine E. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17851) granting an increase of pension to George S. Ramsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17852) granting an increase of pension to Joseph P. Phillips—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 17853) granting a pension to Henry Williams—to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 17854) granting an increase of pension to John Eubanks—to the Committee on Pensions.

By Mr. ELLERBE: A bill (H. R. 17855) granting an increase of pension to Harriett E. Miller—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 17856) for the relief of U. G. Des Portes, administrator of the estate of S. S. Wolfe, deceased—to the Committee on War Claims.

By Mr. FLOYD: A bill (H. R. 17857) granting an increase of pension to John S. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17858) to correct the military record of and grant to John B. Curtis an honorable discharge—to the Committee on Military Affairs.

By Mr. GILL: A bill (H. R. 17859) for the relief of the legal representatives of John Derr—to the Committee on Claims.

Also, a bill (H. R. 17860) granting a pension to Emeline K. Wright—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 17861) granting a pension to Thomas D. Bearden—to the Committee on Pensions.

Also, a bill (H. R. 17862) granting an increase of pension to T. M. Youngblood—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 17863) granting an increase of pension to Louisa M. Tarbell—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 17864) granting an increase of pension to Mary E. Austin—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 17865) granting an increase of pension to J. B. Arnott—to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 17866) for the relief of the executors of the estate of Edward W. Southworth and others—to the Committee on Claims.

By Mr. REEDER: A bill (H. R. 17867) for the relief of David Parrott—to the Committee on Military Affairs.

By Mr. REYNOLDS: A bill (H. R. 17868) granting a pension to Burdene Blake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17869) granting a pension to Joseph Snowden—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Kentucky: A bill (H. R. 17870) for the relief of Harrison Dobbs—to the Committee on War Claims.

Also, a bill (H. R. 17871) granting a pension to M. E. Garretson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17872) granting an increase of pension to A. D. Metcalfe—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 17873) granting an increase of pension to Milo Bunce—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 17874) granting an increase of pension to Roseanna Hughes—to the Committee on Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 17875) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of W. W. Peirce—to the Committee on Naval Affairs.

By Mr. TYNDALL: A bill (H. R. 17876) granting an increase of pension to John M. Rupert—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 17877) granting an increase of pension to Emmagene Bronson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Paper to accompany bill for relief of Rebecca J. Fisher (previously referred to the Committee on Invalid Pensions)—to the Committee on Claims.

By Mr. BARCHFELD: Petition of R. A. and J. J. Williams, Robert C. Lippincott, Howard L. Neff, Eli B. Hallowell & Co., Miller, Robinson & Co., Thomas B. Hammer, Edmund A. Souder & Co., and William L. Shew & Co., for bill H. R. 5281 (the pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of McKees Rocks Division, No. 201, Order of Railway Conductors, against the Hepburn railway rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of the Keystone Watch Case Company, of Philadelphia, Pa., against bill H. R. 14604, relative to spuriously stamped articles of merchandise—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sorosis Woman's Club of Union City, Pa., for forest reserves in the White Mountains—to the Committee on Agriculture.

Also, petition of the Sorosis Woman's Club of Union City, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

Also, petition of the Sorosis Woman's Club of Union City, Pa., for the Morris law (timber reservation in Minnesota)—to the Committee on Agriculture.

Also, petition of E. B. Hallowell, George F. Craig, William L. Shew & Co., R. A. & J. J. Williams, Thomas B. Hammer, Howard L. Neff, E. A. Souder & Co., and Miller, Robinson & Co., of Philadelphia, Pa., for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Emerson Club, of Townsville, Pa., for investigation of the industrial condition of women in the United States—to the Committee on Appropriations.

By Mr. BEALL of Texas: Paper to accompany bill for relief of Virginia C. Moore—to the Committee on Pensions.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Thomas J. Benton—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Maggie Carroll—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Burnwell C. Crosthwait—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Gordon McCormick—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Samuel Watkins—to the Committee on Pensions.

Also, paper to accompany bill for relief of John P. Simer—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of David Ross—to the Committee on Pensions.

Also, paper to accompany bill for relief of Martin Spriggs—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Jasper Staten—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of dependent brother and sister of Isaac Myers—to the Committee on Invalid Pensions.

By Mr. BRADLEY: Petition of Mystic Council, No. 10, Daughters of Liberty, of Newburgh, N. Y., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of Edmund A. Sonder & Co., William L. Shew & Co., Thomas B. Hammer, R. A. & J. J. Williams, Eli B. Hallowell & Co., Miller, Robinson & Co., Howard L. Neff, and Robert C. Lippincott, for bill H. R. 5281 (the pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of McKees Rocks Division, No. 201, Order of Railway Conductors, against the Hepburn railway rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BURNETT: Petition of the American Federation of Labor, against bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of Henry Morris—to the Committee on Military Affairs.

By Mr. DAWSON: Petition of 20 attorneys of Clinton, Iowa, for passage of bill H. R. 16551—to the Committee on the Judiciary.

By Mr. FINLEY: Paper to accompany bill for relief of Ulysses G. Des Portes, administrator of estate of Saling S. Wolf—to the Committee on Claims.

By Mr. FITZGERALD: Petition of the advisory committee of 100, of New York, for battle-ship construction at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. FLOOD: Petition of Cyclopean Towers Council, No. 87, of Mount Solon, Va., and Gilt Edge Council, No. 42, of Mount Sidney, Va., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the American Federation of Labor, against the pilotage bill (H. R. 5281)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Sandwich (Ill.) Manufacturing Company, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Fortnightly Club, of Genoa, Ill., for an appropriation for investigation of the industrial condition of women in the United States—to the Committee on Appropriations.

Also, petition of citizens of Ottawa, Ill., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Local Union No. 1037, United Brotherhood of Carpenters and Joiners of America, against bill H. R. 12973, relative to Chinese immigration and for the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

By Mr. GILLETT of Massachusetts: Petition of Springfield (Mass.) Grange, officers and 475 members, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of the Burroughs Club, favoring bills H. R. 7019, 11949, and 11950, relative to the preservation of game in the Territories and the District of Columbia—to the Committee on Agriculture.

Also, petition of Colonel F. M. Bayne Council, No. 103, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Emma Mabon, for relief of landless Indians of northern California—to the Committee on Indian Affairs.

Also, petition of many citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of McKees Rocks Division, Order of Railway Conductors, against the Hepburn railway rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Miller, Robinson & Co., R. A. & J. J. Williams, Eli B. Hallowell & Co., Howard L. Neff, Thomas B. Hammer, Edmund A. Souder & Co., and William L. Shew & Co., for bill H. R. 5281 (pilotage)—to the Committee on the Merchant Marine and Fisheries.

By Mr. GREENE: Petition of 303 citizens of the District of Columbia, for a law to correct defects in the present system of school instruction in the District—to the Committee on the District of Columbia.

By Mr. HAYES: Petition of the Fortnightly Club, of San Jose, Cal., for investigation of the industrial condition of women in the United States—to the Committee on Appropriations.

Also, petition of the California Equal Suffrage Association, for bill S. 50 (Senator GALLINGER, regulation of child labor), bill H. R. 4462 (Mr. BABCOCK), and for bill S. 2962 (Senator CRANE, a children's bureau)—to the Committee on the District of Columbia.

Also, petition of citizens of Palo Alto and Santa Clara County, Cal., for relief for Indians of California—to the Committee on Indian Affairs.

By Mr. HERMANN: Petition of citizens of Josephine County, Oreg., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HINSHAW: Petition of the American Federation of Labor, against bill H. R. 5281 (the pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Acacia, of Lincoln, Nebr., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAWRENCE: Petition of Leyden (Mass.) Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of E. Bailey & Sons, W. H. Lundequist, the Benner Line of New York, and the John C. Orr Company, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTLEFIELD: Petition of Lincoln Bailey et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Mary H. Blake et al., for relief of landless Indians in northern California—to the Committee on Indian Affairs.

By Mr. LIVINGSTON: Paper to accompany bill for relief of Charles P. Coursey—to the Committee on War Claims.

By Mr. MAYNARD: Petition of Washington Men's Council, No. 2, Norfolk, Va., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Hampton, Va., and Peninsula Council, No. 125, for the Penrose bill (S. 4357) for the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOUSER: Petition of 800 citizens of Ohio, against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. PAYNE: Paper to accompany bill for relief of James West—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of citizens of Mount Kisco, N. Y., for relief of the California Indians—to the Committee on Indian Affairs.

By Mr. STEVENS of Minnesota: Resolution of Camp Merwin M. Carleton, indorsing the Bonynge bill, for medals for officers and enlisted men serving in the Philippines—to the Committee on Military Affairs.

Also, petition of citizens of St. Paul, Minn., against bill H. R. 7067—to the Committee on Indian Affairs.

By Mr. SULZER: Petition of the Chamber of Commerce of New York, for reform in the consular service—to the Committee on Foreign Affairs.

Also, petition of the Chamber of Commerce of New York, for an amendment to the customs administrative act—to the Committee on Ways and Means.

Also, petition of the Cone Export and Commission Company, against forgery of trade-marks—to the Committee on Patents.

By Mr. WANGER: Petition of citizens of the Eighth Congressional district of Pennsylvania and members of the Church of the Seventh-Day Adventists, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Lansdale Council, No. 111, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WILLIAMS: Paper to accompany bill to place C. W. Geddes upon the retired list of the Navy as first assistant engineer—to the Committee on Naval Affairs.

By Mr. WOOD of New Jersey: Petition of the Cumberland Glass Company, of Bridgeton, N. J., and the Rio Grande Canning Company, for bill S. 88, with an amendment as suggested by the House committee (the pure-food bill)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Pride of Trenton Council, No. 46, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Henry & Wright Manufacturing Company and the Sipp Electric and Machine Company, against the Littauer bill (compulsory metric system)—to the Committee on Coinage, Weights, and Measures.

Also petition of Hightstown Council, No. 46, Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Peapack, N. J.; W. O. George, of Trenton, N. J.; R. S. Tomlinson, of Mercerville, N. J.; John R. Patrey, of Gladstone, N. J., and citizens of Somerville, Hopewell, and Liberty Corner, N. J., for bill H. R. 15442 (the naturalization bill)—to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 7, 1906.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DOUBLE TAXATION OF DISTILLED SPIRITS.

Mr. DALZELL. Mr. Speaker, I called up the privileged bill (H. R. 16226) to amend the internal-revenue laws and to prevent the double taxation of certain distilled spirits, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That distilled spirits commonly known as "soakage," which exist in the staves or wood of any cask or package at the time of its withdrawal from a distillery or bonded warehouse, shall not be subject to any tax whatever after its withdrawal under or by virtue of the existing laws.

With the following amendment:

In line 7, after the word "laws," add "should such spirits at any time thereafter be recovered from the wood of such package by any process."

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 12843. An act to amend the seventh section of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested: